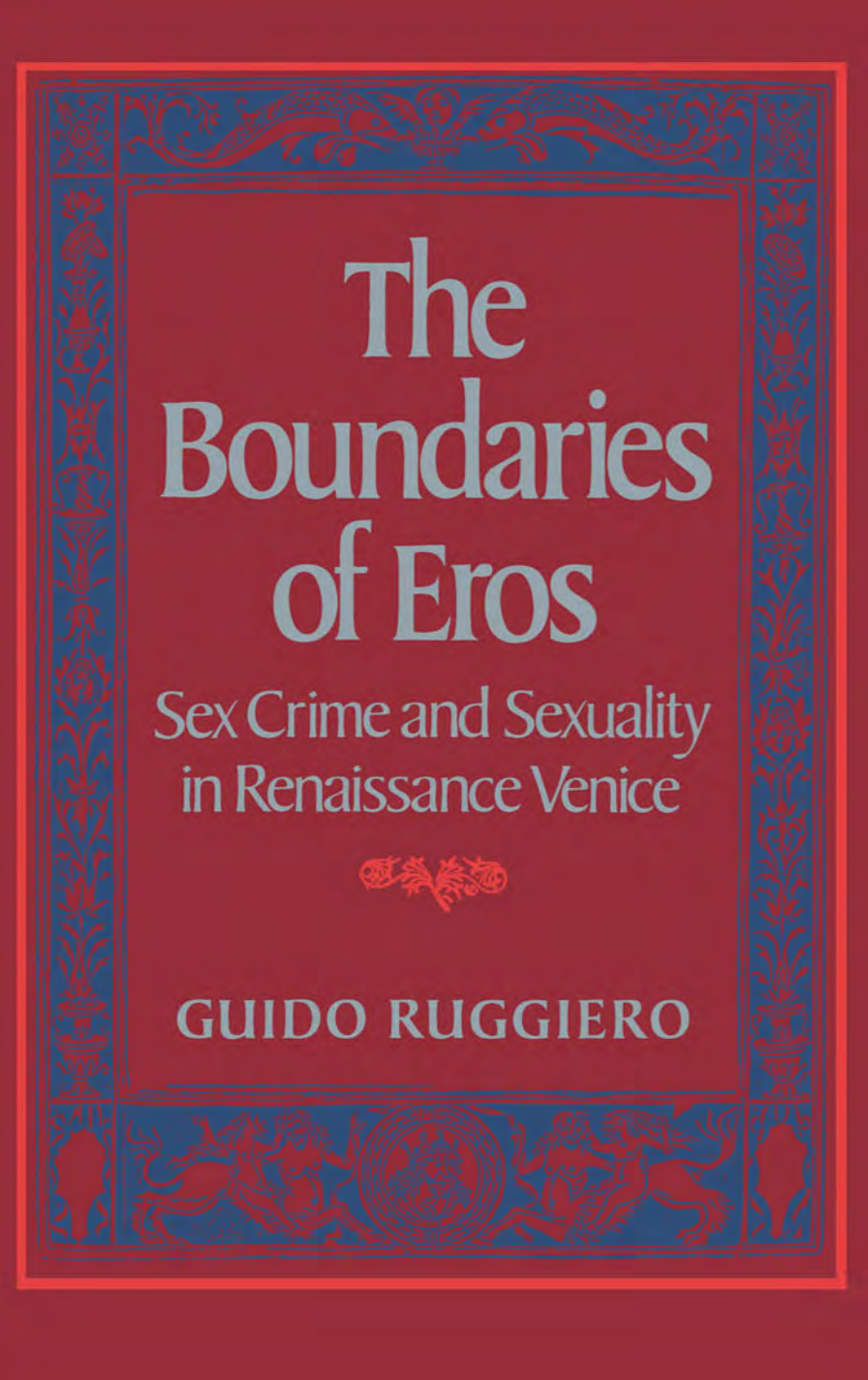




The Boundaries of Eros

Sex Crime and Sexuality
in Renaissance Venice



GUIDO RUGGIERO

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The Boundaries of Eros

STUDIES IN THE HISTORY OF SEXUALITY

Guido Ruggiero and Judith C. Brown, *General Editors*

GUIDO RUGGIERO

THE BOUNDARIES OF EROS:

Sex Crime and Sexuality in Renaissance Venice

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IN RENAISSANCE VENICE

GUIDO RUGGIERO

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Contents

- I The Sexual Environment of Renaissance Venice:
An Introduction, 3
- II Fornication and Then Marriage, 16
- III Adultery: Marriage and Sex, 45
- IV Sex Crimes against God, 70
- V Violence and Sexuality: Rape, 89
- VI Sodom and Venice, 109
- VII Perspectives on Normal Sexuality: An Essay, 146
 - Notes, 169
 - Bibliographic Essay, 199
 - Bibliography, 207
 - Index, 213

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The Boundaries of Eros

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I

The Sexual Environment of Renaissance Venice: An Introduction

Not surprisingly, our picture of Renaissance sexuality is confusing. Literature of the period abounds with signals seemingly at cross-purpose. The transcendent vision of love epitomized by Dante's *Vita Nuova* and *Divine Comedy*, the formal courtesy and lighthearted adultery of Boccaccio's *Decameron*, the courtly manners of Castiglione's *Perfect Courtier*, the mischievous machiavellianism of Machiavelli's *Mandragola*, the exploitative sensuality of Aretino's *Dialogues*—each portrays a different sexual world overlaid with literary traditions and personal values that leaves one who seeks the reality of Renaissance sexuality uncertain and dissatisfied.

The moralists of the period, whether working in a traditional scholastic mode or in the newer humanist one, seem to reflect more on enduring Christian values than on contemporary practice. When they occasionally do drop from eternal verities to practical daily concerns, one is struck by their vision of a world polarized between Christians living chastely in the City of God and pagans living in Sodom and Gomorrah, both somehow inhabiting our Renaissance cities and dominating them. Yet the chronicles and histories of the time show little sign of such profound sexual divisions, and we are tempted to write off these accounts as the logical extremes of a moralizing vision.

Diaries, or more accurately *ricordi*, when they can be found, provide interesting information especially on the economics and emotions of marriage. Gregorio Dati's businesslike recording of childbirth, wife death, and dowry price comes immediately to mind. But in his accounts of married life the countinghouse mentality that emerges may be largely a facet of the format of these *ricordi*, which were often little more than articulated family ledgers rather than attempts to record emotional life. Moreover, a record of childbirth and dowry prices provides in the end only

minimal information on the sexual life of the period—the last seldom if ever referred to in the *ricordi*.

Another way to develop some picture of sexuality is through the demographic records. Birth patterns, illegitimacy rates, male-female ratios, age at marriage, and age differential in marriage are all significant indicators of the parameters of sexual life. Most important, they provide information on a wider range of the population than do writers, moralists, or diarists, who tend to focus primarily on the higher strata of society. Unfortunately, such records reveal only indications of sexual life, not that life itself. One is forced with this material to fall back on other sources to explain what practice stood behind the data. In addition, demographic material for the Renaissance, while at times very rich as in the case of the Florentine Catasto, so ably exploited by David Herlihy and Christiane Klapisch-Zuber,¹ is normally too spotty to be used systematically.

Thus, the historian seeking to understand the sexuality of the Renaissance is faced with a good deal of information covering a wide range of different points of view, but with little apparent way to sort through their biases and prejudices to arrive at a meaningful overview. It would be satisfying to claim that this book reveals the source that will unravel the Gordian knot of Renaissance sexuality. But that would be claiming too much. Rather, by looking at the records of Venetian sex crime, we can gain a new and deeper understanding of Renaissance sexuality from a largely unexamined perspective—one that should provide a firmer basis for reevaluating Renaissance literature, moralists, and demographic patterns in terms of their relationship to sexuality. At the same time we should be able to provide a basis for a deeper understanding of the social life, the culture, and the perceptions of the Renaissance itself, for, with apologies to Michel Foucault, sexuality was not a discovery of the modern world, and with apologies to the comfortable preconceptions of many others, it was not always much as it is today. Rather, it was a complex and often contradictory set of relationships that occupied an important and changing place in human life and society.

Sex crime reveals these complexities and contradictions in an interesting and concrete manner, especially in a city like Renaissance Venice. There criminality, theoretically controlled by a thirteenth-century law code, the *Promissione Maleficorum* and its later reforms, in fact was handled much more pragmatically by members of the merchant-banker elite of the city.² In general, legal codes seldom interfered in criminal prosecution, and this was especially true in sexual matters. It was the practice for each criminal case to be judged by a substantial number of the ruling nobility, who took into account the status of the victim and the accused as well as the nature of the crime. In broad outline, when a crime came to public attention, it was handled in one of three ways. First, summary justice could be meted out at the scene of the crime. This was reserved for petty offenses such as brawling or carrying arms illegally and was the responsibility of patrolling

bodies such as the Cinque alla Pace, the Signori di Notte, and the Capi di Sestiere. Second, the case could be investigated by the Avogadori of the Commune—loosely speaking, the communal attorneys—and argued by them before one of the larger councils of state, normally the Council of Forty (known as the Forty). This large body, after hearing oral arguments and reviewing the written ones, would decide guilt and penalty, generally with little reference to law. Third, direct justice was reserved for the most important cases, which were handled in a flexible manner within one council. This was the operating procedure of the most powerful and feared Council of Ten, which dealt with conspiracy and treason and in the fifteenth century took over the prosecution of sodomy.

Most sex crimes were handled by the second method. They were investigated by the Avogadori and tried before the Forty. The primary records that survive are an almost complete run of the Avogadori's summation of their investigations in the fourteenth and fifteenth centuries with a report of the Forty's decision and action on each case. This documentation is supplemented irregularly by the rough scribal notes of testimony heard by the Avogadori. Sodomy was the principal sex crime in which this procedure was not followed. In the fourteenth century it was investigated by the Signori di Notte and tried before a small three-man court, the Giudici di Proprio. The records of these cases are much more detailed than those of the Avogadori. In the early fifteenth century jurisdiction was taken over by the Council of Ten, and because the cases were heard internally, their records are much less detailed. Over a period of two centuries and across all these councils, however, the records preserve a distillation of what was perceived to be most unacceptable in deeds labeled criminal. And, in turn, in the penalties handed down, the records show just how seriously such deeds were judged by some of the most important men in Venice. Certainly such documentation is extremely biased. Yet that very bias constitutes its unique historical value. These records reveal the values and perceptions of a Renaissance elite not through their intellectualized literature or philosophy, but directly at the level where people name the objects of their fears and aversions and attempt to control or eradicate them.

In such a situation every word takes on meaning, and one is forced to work with criminal documents much as an intellectual historian pores over a text from Plato. But such an exhaustive approach pays handsome dividends for understanding society and its values. First, it allows us to reconstruct Renaissance Venice's official vision of unacceptable sexuality in all its complexities and inner contradictions. At the same time, in setting sexual boundaries, the records speak to the society's perception of "normal" sexuality, often with disarming directness. As a result, a close study of such documentation for Venice should provide a significant new insight into the role and function of sexuality in one Renaissance city.

Venice in the fourteenth and fifteenth centuries was atypical in that, unlike most other Italian republics, it survived and flourished through

the period. Taken as a whole, these two centuries, the focus of our study, might be seen from a Venetian perspective as a period of unusual success. The end of the thirteenth century found the city fraught with internal bickering. Its Eastern commercial empire was dangerously threatened by Genoese competition, Byzantine revival, and Hungarian expansion. Its Italian hinterland was confused with a host of flourishing communes, each potentially a problem for the city's short-distance trade and several potentially disruptive for long-distance trade connections over the Alps. By the end of the fifteenth century Venice had successfully eliminated Genoa as a competitor for Eastern trade domination and even to an extent worked out a *modus vivendi* with the new power in the East—the Turks. In Italy they had built a powerful mini-empire on the remains of the Carrara and Della Scala *signori*, which included most of the eastern lands of the rich Po plain. In addition, they controlled the southern accesses to the passes over the Alps to Germany, so crucial for Venetian trade. Finally, the social tensions of the city had been largely brought under control with the establishment of a hereditary ruling group based on approximately 200 families drawn primarily from the merchant-banker aristocracy of the city. Thus, while most other republics of Italy had fallen by the wayside during this period, Venice endured and might even be said to have triumphed.

There were storm clouds, of course, on her horizons. The Turks were seen as a major threat, and the continued necessity of defending an extended maritime empire put a severe financial strain on the city—a strain that at times tested not only the economic fabric of the city but its social fabric as well. Equally troubling was the circumnavigation of Africa by Portuguese spice traders, which threatened to undermine Venetian domination of trade in this lucrative area. Recent scholarship has ably demonstrated that the immediate impact of this new spice route was perhaps more psychological than economic; but as a reflection of the successful voyages of discovery and the eventual forging of an Atlantic civilization that would move the city from the center of European civilization to the periphery, the discovery was a harbinger of change for Venice. Closer to home, following 1494 Italy was rent by the nation-state armies of Europe, leaving the city-state largely a system of the past and threatening the very existence of Venice's mainland empire. Once again Venice survived; but after the War of the League of Cambrai, the city lived on in a much different Italy—politically, socially, and economically. Thus, in contrast to what preceded and followed, the fourteenth and fifteenth centuries might be seen as Venice's golden age.

Yet, like most golden ages it loses much of its luster on closer examination. Perhaps the most outstanding counter to Venice's successes were the waves of the plague that struck virtually every generation in the city from the late 1340s on. The demographic losses were extreme, sweeping away a minimum of one-third and more probably one-half of the population in

the first attack. This demographic catastrophe, however, was if anything merely the tip of the iceberg when one assesses the plague's impact. Labor-hungry cities such as Venice sought to recoup their losses as quickly as possible by offering incentives to workers and potential sailors to come to the city and repopulate its work force. The success of this policy meant that the devastation wrought on the family's fabric by the mortality of the plague was exacerbated by the immigration of many young and able-bodied to the city, further breaking down the placement and disciplining force of the family in society. This immigration probably also had a negative impact on the male-female ratios in the urban environment. Thus, not only the mortality of the plague but also the population movement it triggered put dangerous stresses on the city's social fabric. And, of course, behind these problems lurked the long-term impact, always more difficult to assess, of such periodic catastrophes on the psyches and personalities of those who survived.

Less dramatically, but with almost equal significance for the nature of Venetian life, the city's triumphs were largely built on military victories over tenacious rivals. In an age that fought its wars primarily with professional armies led by famous and hence expensive captains—the *condottieri*—a consistent record of victory meant a continued series of financial crises for government. In turn, such a record meant an almost constant level of tensions arising from the need to apportion taxation if not fairly, at least effectively. Debate on the sources and methods of taxation always threatened to divide the ruling nobility into hostile factions, and the imposition of those taxes frequently exacerbated social tensions, especially among those below the nobility who felt exploited by excessive taxation. Indicative of these dangers inherent in Venice's military victories is that virtually every major war of the period engendered a conspiracy to overthrow the state.

Venice endured, helped by two crucial transitions during the fourteenth and fifteenth centuries. The first, the *serrata*, or closing, of the Major Council, might actually be said to have initiated the period. Faced with declining markets and increasing competition, hostility from Genoa, and deepening internal social and political tensions, Venice initiated a set of governmental reforms in 1297–1298, which at first seemed designed merely to improve the method for electing the Major Council, Venice's largest legislative body. By 1320, however, the effect of the *serrata* of the Major Council was to create a hereditary ruling group composed primarily of merchants and bankers. Members of this nobility, as they styled themselves, sat automatically on the Major Council when they came of age. In turn, most government officials were elected by the council from their number, and all governmental power came to be seen as originating there. An apparent technical change in electoral principles became, within about twenty years, a quiet revolution that left political power in the hands of a hereditary ruling group. But it was more than a political

revolution, for we find as early as 1310 that membership in the Major Council was associated with social status as well. The importance of this association cannot be overstressed. There are few societies in which political and social status match exactly. Perhaps even in Renaissance Venice that would be claiming too much. Yet, as a result of the *serrata*, the social elite of Venice came to be perceived as largely contiguous to the political elite, and this helped undercut one major source of political and social tension. While other Renaissance cities would debate questions of status and power in theory and bloody deed, Venice settled down to defend a legally established hierarchy based on merchant wealth.

The second transition that helped the merchant nobility survive, prosper, and adapt to changing times was a diversification of the Venetian economy perhaps best signified by the city's expansion onto the mainland in the fifteenth century, which symbolized a break from the traditional trade orientation. Of course, trade was to remain a central focus of the Venetian economy and the main basis of noble wealth. But land and industry were to play an increasingly important role that diversified the city's economic base and helped it survive in relative prosperity the turmoil of the late fifteenth and sixteenth centuries. Actually, that transition was neither a quick nor an easy one for the merchant nobles of Venice to accept or implement. In a way, perhaps, their self-proclaimed noble status following the *serrata* aided the transition by creating an aristocratic mentality that for many nobles seemed to require landholding as well as merchant wealth. The matter has been little studied, but it is clear that the Venetian nobility was heavily involved in land transactions on the mainland well before the state decided to move in and create a *terra ferma* empire. Diversification in cloth and other neo-industrial production is more difficult to explain and again little examined. Logically it might be argued that as merchant life changed in Venice from a merchant-venturing style, where males went out to sail the Mediterranean and make their fortune, to more of a merchant-investor style, where men stayed in Venice and invested their money in a wide range of trading ventures, it was natural for the citizens to move on and diversify their investments. Diversifying investments created a kind of insurance, which meant that although some ventures might fail, others would succeed. But this is largely speculation. What is certain is that we already find in the fourteenth century a growing number of references to artisans and clothworkers in the city, and we find the Venetian government actively recruiting both sailors and industrial workers to swell the city's labor pool.

With the expansion onto the mainland, however, this process came to a head, and the Venetian nobility found themselves with the opportunity to invest in land with greater ease and security than before and with the ability to take advantage of local markets and skills to improve the industrial and artisan base of their city. Yet the nobility largely remained merchants in both self-conception and in fact, with the result that clear

conflicts between merchant interests and the interests of others were usually won by the merchants. Nonetheless, Venice at the end of our period of focus was economically much more diversified than at the beginning. It may not have been richer, but it was better adapted to survive the turmoil that lay ahead. Similarly, although the nobility had become a closed caste based on hereditary principles, they had learned to rule effectively and to protect their position with unusual skill. In sum, Venice in the fourteenth and fifteenth centuries, though beset with significant problems, weathered them and constructed a social and economic base whose strength can be gauged by the city's unique ability to survive the challenges of the early sixteenth century.

For the history of sexuality as well these changes were significant. A strong centralized government led by men interested in controlling ever wider aspects of urban life created an environment where, to follow the language of Foucault, even matters sexual began to fall under governmental discipline.³ This, of course, was not entirely or even primarily for moral reasons. Rather, the family and the peer group—the traditional arbiters of sexual discipline—had become less and less capable of maintaining customary mores, especially at the lower social levels, in this environment of rapid economic, social, and demographic change. But there was more, for not only did family and peers discipline sexual behavior, a disciplined sexuality in turn helped to order and preserve both family and community so that there was a dialogue, to borrow Foucault's term, between the family and its sexual norms and the community and its desire for continuity.

Adultery, fornication, rape, homosexuality, and other sexual acts labeled criminal threatened the stability and order of family and community. Thus, the rulers of Venice felt obliged to prosecute the perpetrators of these acts not so much because they threatened public morals but because they undermined society's most basic institutions of marriage and family. Not surprisingly, this potentially revolutionary situation garnered careful attention. But by carefully attending to sexual behavior that threatened marriage and family, the Venetian government transformed sexuality and redefined the boundaries between the acceptable and the unacceptable. The normative functions of custom and tradition, family and peers, typical of medieval society, were overlaid with a new set of laws and institutions that attempted to subject sexual behavior to legal as well as customary control. Unfortunately, these two systems of discipline—enforceable law and customary morality—did not meld perfectly, reflecting perhaps the differential rates of change between legal thought or practice and traditional values or social structures. As a result, sexuality outside of marriage could be viewed as illicit, yet prostitution could be legalized and treated as a legitimate source of profit for noble entrepreneurs of good family. Or, in contrast, fornication could be prosecuted as a crime, yet be perceived as a typical and accepted step on the road to

marriage. Such seeming contradictions stem largely from an imperfect fit between the disciplining factors of law and morality in Renaissance society, which make the *boundaries* of Eros literally plural and, much like other historical boundaries, neither neat and fixed nor particularly exact.

It may be that an unplanned and largely unrecognized result of this increased concern with the boundaries of sexuality was the gradual definition of two distinct milieus of sexuality—a licit one that hinged on marriage and childbirth and an illicit one. Both licit and illicit produced their own institutions, artifacts, languages, values, and habits; thus, in a restricted sense they may be seen as diverse and at times competing cultures of sexuality within the broader cultural context of society. On the one hand we have a dominant culture of sexuality characterized by marriage and childbirth; on the other, a much more inchoate and developing culture of illicit sexuality. The latter clearly was less structured in the Renaissance, and like any anticulture or shadow culture, it had much less coherence and discipline than the recognized culture supported by custom, law, and the primary institutions of society. To a great extent its point of reference was its illicit nature, its existence outside the boundaries of accepted Eros.

But being the other, the outsider, this culture of illicit sexuality still developed its own defining characteristics, and one reason it is such a potentially rich concept is that with time it would gain a certain focus and become a major aspect of the general civilization of the West. From the Renaissance, parallel to the family and its Christian-based culture, another culture has developed, that of the mistress, the prostitute, the libertine; of rape, adultery, and fornication; of words with double meaning, obscene language, and pornography; of Aretino, Madame de Chatelet, and the Marquis de Sade; of the exploitation of women and men, mad passions and gentler ones. This is not to argue that a culture of illicit sexuality was unheard of before the Renaissance or created in Venice, but rather to suggest that the specific forms of that culture which typify what might be seen as a modern Western tradition began to come together during the period and may be identified early on in the sexual history of Venice, a city that was to become famed for its illicit pleasure. Why this culture developed, obviously, requires a broader study than the present one. Yet the case of Venice suggests, as we shall see, that it was tied closely to some of the most basic changes of the Renaissance period.

At its beginnings, or at least at the point where our documentation allows us to begin looking at it closely, this culture in Renaissance Venice seems to have had little unity beyond its illicit nature and to have been moving in several different directions at once. Playing with our metaphors, we might imagine the boundaries of Eros as a series of mirrors reflecting back on licit sexuality its customs, laws, and values and thus reinforcing it; yet, when like Alice we step through the looking glass, we will find a world vaguely familiar but essentially incomprehensible until

we realize that the rules and meanings of things have changed. To step through these looking glasses is to step into a complex culture of illicit sexuality that this work attempts to chart.

Not all sex crime, however, fits neatly into this culture of illicit sexuality. To confuse the issue, some crimes, especially fornication and to a lesser degree adultery, were actually oriented toward a marital ideal that reflected the dominant sexual culture more than it rejected that culture. Even a crime like rape at times could be a step on the road to sexual and marital relationships that were acceptable to Renaissance society. Prostitution, on the other hand, which was legal in certain areas of the city, was nonetheless a significant factor in that emerging culture. It educated young men through nonmarital sexuality and sustained many married men in extra-marital sexuality. Thus, while legal in itself, it undermined legitimate sexuality, which was theoretically marriage-centered with an eye to continuing the family line. Like a large part of the culture of illicit sex, prostitution also implied an exploitative approach to sexuality, an approach or mentality that we find regularly carrying over into sex crime.⁴ In sum, crime does not neatly define the boundaries between a culture of illicit sexuality and the recognized one just as it does not neatly delineate traditional values. In large part this is because in sexual acts boundaries are seldom neat; but it is also because people often cross the boundaries of legality in sexual matters not to thwart the dominant culture but, with a paradoxical irony, to join it.

Thus we are embarking on more than an examination of illegal behavior in Renaissance Venice; we are beginning, but only beginning, a description and an analysis of a largely unstudied culture crucial in the development of the West virtually up to the present. I say "virtually" because although many of the individual aspects of this culture continue to exist, it has lost much of the coherence and dynamic it was to gain in the sixteenth century and beyond as Venice became one of the pleasure capitals of the world and provided a model and ideal of illicit sexuality. The sexual changes and the transformation in the vision of women that seem to have made progress in the twentieth century may be slowly undermining the basis for a culture of illicit sexuality. Perhaps the major revolution of the twentieth century almost unnoticed and unheralded will be the disappearance of this culture—to speak metaphorically again, the triumph of D. H. Lawrence over De Sade.

In labeling what was troubling and abnormal in certain sexual acts, our documentation unwittingly is also constantly defining what was perceived as "normal." Normality, of course, is a relative concept not just to a culture or a society but also to social groups within a society. What was normal for the marginal denizens of the streets of Venice and their poor brethren living at a subsistence level could be quite different from what was normal for the nobility. This documentation, obviously, speaks primarily to that latter vision. Yet the nobility of Venice had a strong hier-

archical vision; thus, they often unwittingly articulated their perceptions of the differences they saw in normality at various social levels. Also, they frequently recorded the words and deeds of the lower social strata, which provide useful clues to their perceptions and values. Finally, the prosecution of sex crime is never a one-way street. The nobility clearly predominated in determining the agenda of prosecution, but lesser men played a role as well. They were often a crucial factor in the reportage of crime. Their silence, then, could be as significant a factor in prosecution levels as the nobility's desire for discipline or morality. In turn, a steady flow of complaints or even a "murmuring of the people" could force prosecution where noble sentiments were hesitant to proceed, as we shall see. As a result, although normality is a complex concept, we will attempt to assay its meaning for Venetian society as a whole and from the perspective of various groups within society, wherever their vision breaks from the mainstream.

Because marriage in Christian morality and in Renaissance society was to a large extent the key to "normal" sexuality, a few words should be said in general about marriage as an institution in Venice. Marriage, to state the obvious, was the means by which the family maintained and extended its existence, bringing in wives to connect the family in a broader social space and producing children to continue the family over time. But marriage did much more. At the upper social levels it was a mechanism of social placement and through the dowry system a means of capital accumulation. As a form of social placement two aspects of marriage stand out. First, marriage was one of the clearest and most public measures of status that Renaissance society could provide: The social status of each family reflected upon the other. Thus, in late fourteenth-century Venice a marriage of a Tron to a Morosini probably would have signaled to most observers the rising status of the Tron family. In the late fifteenth century the same marriage would have merely reinforced perceptions that the Tron family was an established and important clan. Second, marriage placed a woman in virtually the only acceptable position that society allowed her. Aside from the monastic life, and even that was questioned, there were few acceptable alternatives for a sexually mature woman. The Church, moralists, practical businessmen, and society in general agreed with unique unanimity that the place for a sexually mature woman was marriage. Thus, in a way, marriage defined the life of a woman. For men this was true as well, but in a much more abstract sense. A man, it might be said, built upon his family and marriage background in a society that at its upper levels still felt more confident judging a family rather than an individual. But a woman normally was considered to be little else than a marriage partner. Sex crime will allow us to qualify that harsh vision a bit, but not much. As a mechanism of capital accumulation based on the dowry, marriage was also most important for families of higher status. With dowry prices rising significantly throughout our period—in part

because the cost of a dowry was an important indicator of social status—the dowry could often provide the initial impetus for the economic success of a couple. The Florentine diary of Gregorio Dati provides a suggestive example of this role of the dowry. With uncanny prescience he seems to have coordinated his business failures with his wives' deaths, for invariably when his fortune was on the wane, a wife died to be replaced by a new one with a new dowry to carry his finances forward.⁵

At lower social and economic levels the dowry was less likely to capitalize adequately a couple's marriage. If anything, the lack of capital could tend to make the dowry an obstacle to marriage. Yet even at these levels marriage had a significant economic role to play, for one crucial aspect of marriage was the uniting of the work skills of two people into one economic unit. This was especially true in the nascent cloth industry, where female labor was highly valued. But it carried across much of the artisan life of the lower classes. Frequently we find reference to women working in the trades of their husbands or on their own. Thus, at this level a wife could be an economic asset more for her working ability than for the value of her dowry. As we move down the social scale, however, we find that family and clan ties did become progressively less important. A recent microstudy of lower-class family life in one Venetian parish argues persuasively that such families extended very little beyond the nuclear pairing of the couple that formed the marriage.⁶ This is not surprising given the pressures that the Renaissance urban environment placed on the lower-class family structure; it is logical to expect that it would be sheared to its most elemental form.

In Venice demographic data are lacking for our period regarding age at the time of marriage. Florentine data suggest a pattern of men marrying at a progressively later age, moving from the mid- to the late twenties over our period, and women tending to marry in their late teens. Venetian moralists report a fairly similar pattern. For males this is supported by the tendency of Venetians to extend adolescence; there are regular references to males considered too immature for adult responsibilities because they were in their early thirties. Sex crime data, however, suggest a profile of upper-class men marrying in their late twenties or early thirties. In Venice females seem to have married earlier than in Florence, usually shortly after they reached puberty. Marriages are reported for eleven- and twelve-year-olds, but the norm appears to have been thirteen or fourteen. Even noble women who married in their late teens were considered a bit old. This age differential of approximately fifteen years at marriage for the higher social levels played a significant role in many of the sex crimes prosecuted; it was also a factor in the culture of illicit sex, which in many areas was oriented toward male adolescents. At the lower social levels marriage ages were less clear, but the fact that in such marriages a working woman was often seen as a highly desirable partner suggests that there was less of an age gap. With a shorter adolescent period for males at

lower social levels, the Florentine pattern of marriage in the late teens or early twenties for males with slightly younger females seems to have been repeated in Venice. The records of sex crime where ages are noted support these figures.⁷

Another important aspect of marriage is the duration of the relationship. It has become a commonplace that premodern marriages significantly differed from the modern because they were of short duration. This conclusion, however, has been based largely on a priori reasoning that hinges on the short life expectancy of all individuals in the past and the high mortality rate of females in childbirth. Here, however, Venice does provide some concrete evidence that allows a test of that reasoning and creates some doubts about it. Based on records of dowry litigation after the death of one spouse, which noted when the marriage began, it can be stated that the average Venetian marriage where a dowry was exchanged in the late fourteenth century lasted more than a decade—to be exact, 13.1 years in 664 cases between 1366 and 1390. Noble marriages lasted slightly longer—16.8 years for 112 cases; non-noble marriages slightly less time—12.4 years for 552 cases.⁸ Wives normally died in the early years of marriage, presumably in childbirth, or outlived their husbands as widows. It should be noted that a relatively high rate of mortality in the early years of marriage lowers the average length of marriage and partially masks the fact that a significant number of marriages at all social levels lasted longer than twenty years. Thus, the assumption that marriage was of brief duration in the premodern period was not entirely true in Venice, a fact that placed additional pressures on that institution.

Marriage as a central institution, however, was not all-inclusive in Renaissance Venice. For males at upper social levels, family loyalties triggered by economic considerations often meant a life of bachelorhood; at lower levels more direct economic problems and high mobility rates fostered similar results. Progressively in our period upper-class families appear to have adopted a tactic of limiting male marriages in order to limit the number of collateral branches formed in each generation. The object of this limitation was to restrict the division of the family's patrimony. The ideal was to maintain family size both in numbers and branches by having only one male in each branch reproduce. A tricky and ultimately dangerous policy to pursue, it meant, nonetheless, that many men would spend their lives as bachelors and swell the numbers of those whose sexual lives were spent outside the accepted borders of sexuality. For women similar economic concerns meant that many would not marry, although those considerations were formalized by a more concrete institution—the dowry. Required by all social levels above the very lowest, the dowry was a most effective economic control on marriage. First, a woman who could not find a dowry obviously had great trouble finding a husband. In a way, if a dowry could not be raised, a proposed marriage probably would have little economic chance to survive. Sex crime, as we

shall see, provided a few options to this bleak picture. With a certain symmetry death also encouraged marriage in the form of general bequests found in wills for the dowries of "poor but deserving girls" and specific bequests for the dowries of relatives. Such amelioratives were undercut by the few years following puberty when a woman was still considered an acceptable marriage partner. Spinsterhood tended to arrive very quickly, especially for women of higher status. To escape that fate, many women found their marriage at an even higher level as brides of Christ—that is, as nuns. Women of lesser social status occasionally followed a similar path with the aid of charity. But at those lower levels, life as a servant or a prostitute was also the norm for many young women who could not marry. In fact, domestic service was at times merely a step on the way to prostitution, as servant status left young women in a singularly exposed and unprotected position.

Thus, the ideal of marriage as the required place for normal sexuality was undermined by the realities of that institution itself. For economic, social, and demographic reasons marriage could not incorporate large parts of the population within the embrace of its normality. As a result, many found their sexuality beyond the boundaries of accepted behavior. Morality, tradition, and legality helped to form those boundaries, but they did not overlap enough to create a clean break, which requires that we develop a multilevel approach to sexuality in which there are no simple determinants. And certainly no modern models of social psychology or anthropology will adequately fit the resultant complex of behaviors. Rather, this book sets out to chart the complex and shifting boundaries of Eros in an effort to gain a better understanding of the perceptions and practice of sexuality in Renaissance Venice; in the process it should contribute to a deeper understanding of Renaissance society and the history of sexuality.

II

Fornication and Then Marriage

Language provides a significant key to sex crime and sexuality. In the legal reportage of crime, what frequently remained unsaid in literature, sermons, or diaries was often articulated with clarity and candor. It would be tempting to assume that the language of the Venetian case briefs reporting sex crimes tended to reflect legal norms and thus was quite conservative, more attuned to enduring *topoi* of a legal tradition than to contemporary perceptions. The accuracy of this assumption, however, in Renaissance Venice is undermined by the fact that the rhetoric of prosecution evolved in a number of meaningful ways, while law itself changed little or not at all. This might seem surprising, but as noted earlier, Venetian criminal procedure was not particularly limited by law. If anything, the law gave wide leeway to nobles who manned judicial councils such as the Forty and the Senate to adjudicate cases as they saw fit. The rhetoric of the cases seems to have been tailored to this fact and as a result became a cog in the wheel of a legal system more attuned to noble perceptions of the dangerous and the deviant than to legal concerns with precedent.¹

In a way, then, the language of case briefs reveals the values and perceptions of a Renaissance elite as it developed in the fourteenth and fifteenth centuries. But this is not to suggest that the language of sex crime reportage was completely responsive to changing noble perceptions. Even without the constraints of much formal law, scribal conventions endured and certain phraseology became customary; and there developed a structural format to cases that provides a potentially misleading uniformity, especially in cases that were thought unexceptional. Thus, to an extent, we must be prepared to look closely at the language forms of cases to distinguish the customary from the unique. Yet, as we shall see, even scribal conventions and repeated formulas evolved slowly across our

period. Moreover, those shifts were not random; they seem to point to important discontinuities in the perception of sexuality.

The reporting of fornication brings out the main themes of the rhetoric of most sex crime cases prosecuted by Venetian government. An unexceptional trial of Giacomello Bono, who had had sexual relations with Nicolina, the niece of a master craftsman, reflects the full flower of the Avogadori's rhetoric about 1400. They described Giacomello's crime as having been committed "not fearing God, law or justice, moved by the stimulation of sexual dissoluteness, in contempt of God and with dishonor for modesty, shame and clear contempt of Master Blasio, her uncle."² From the seemingly almost random repetitiveness of this language three themes emerge, a negative trinity that applied to virtually all sex crime. Honor provides the key to this trinity. "Lack of respect," "contempt," "lack of fear," and a host of similar phrases stress a state of mind that allowed a criminal to act in such a way as to dishonor the verities that underlie an ordered civil society.

God, law, and the justice of the state formed that order-guaranteeing trinity. Not fearing or turning away from God expressed a lack of respect for him and thus a dishonor. Equally, not fearing the law or choosing to break it declared a disrespect and dishonor for the abstract principles that peacefully bound the civil world together. Finally, failing to fear justice, often called "our justice," dishonored the concrete order-preserving function of the Venetian state. Thus, the rhetoric of sex crime focused largely on the dishonor done to God, civilizing forces in general, and Venice in particular by stressing a disrespect or lack of fear for each. Beyond this trinity, a more mundane fourth party was often noted—the family dishonored by fornication. In this case Nicolina's uncle, Master Blasio, was reported to have suffered the dishonor as the male of the family immediately responsible for Nicolina's virginity. This was normally the situation, revealing a patriarchal and family orientation in the nobility's perception of honor. Women had less honor to lose, though this was occasionally referred to incidentally. Family, or the males who stood for the family, lost most in the balance of honor. But even this family honor tended to be largely ignored in the full-blown sex crime rhetoric, which concentrated on the loss of honor to our ordering trinity.

Significantly, this rhetoric had matured only a few decades before Giacomello and Nicolina's affair, and within a few decades it would be trimmed down to a much leaner format. The early language of fornication cases tended to be concise, concentrating on the damage to the immediate and presumably traditional honor of the family if the matter was brought up at all. For example, in 1345 when Filippo di Vinzono seduced and carried off the daughter of a schoolteacher, Guidono Frami, the crime was thus summarized: "He had sexual intercourse with her several times with great damage and loss of honor to the said Master Guidono."³ The damaged honor of Guidono, the male responsible for the family that lost a

daughter, was the focal point of the crime's damage in a direct sense. The taking of his daughter was an open act of disrespect for his family and his patriarchal authority, which gave him the right to control and bestow his daughter as he saw fit. The perception may also have been that Guidono lost honor because his daughter lost her virginity, which it was his responsibility to oversee; but the case makes no reference to that issue. And, in fact, chastity may well have seemed incidental in this family-oriented analysis. The problem was not his daughter's physical state so much as the loss of reputation and status suffered by his family.

Traditionally, honor has been a concept central to the ordering of society. It placed people in a social hierarchy and prescribed behavioral patterns that kept society together and largely peaceful without recourse to a judicial system. In Venice one aspect of this traditional honor system was that one could not ignore the head of the family's prerogatives over his family. In this case Filippo, in taking Guidono's daughter, had done just that. Thus, Guidono's honor required that Filippo be punished, but the traditional pursuit of vengeance through vendetta was frowned upon by Venetian authorities as a method of restoring honor. In the more controlled environment that the merchants and bankers who ruled the city sought to create, vengeance and vendetta ideally were to be replaced by discipline—governmental discipline. Yet discipline retained in this vision a strong element of honor. The aim of government action was not merely to preserve order by preventing crime; it was also, crucially, to redress honor by judging the extent of its loss and providing a socially acceptable vengeance. In a way, we might say that Venetian authorities began by stealing a step on a higher authority and arguing, "Vengeance is mine."

Thus, in a society pressed by its larger-scale and more complex relationships to move beyond the traditional ordering functions of honor, the state sought to reestablish Guidono's honor by prosecuting Filippo for fornication. Significantly, many persons, even from the lower classes of the city, turned to the government for similar aid, with the result that the Venetian government in the fourteenth century found itself deeply involved in the disciplining of the family and the sexual life of its people. This startling penetration of family life was not entirely imposed from above. In part it reflected a breakdown of the family's traditional self-disciplining abilities in an urban environment, where daughters could run off with lovers and patriarchs on their own had little ability to right the matter through violence—in fact, where such violence might well land them in jail and their families in difficulties even greater than the loss of honor. More abstractly, we might argue that the traditional family and its interconnections with peer groups in a small-scale village society no longer existed or functioned effectively in Renaissance Venice, especially at the lower-class levels. Life was too uncertain, individuals too mobile, numbers too large, ties too weak, to make the old calculus of

honor-vengeance, family, and village work. What held places like Mont-taillou together was broken apart by the complex currents of Venice's urban environment. Nonetheless, with a classic inertia typical of social perceptions, honor remained an important concept even in the state's discipline of crime.⁴

For most cases of fornication punished in the period before the mid-1360s, the discussion was so brief in the Avogadori's records that we see very little even of the father's or the family's honor. Still, a family honor context is suggested by the fact that in most cases through the 1350s the family member who brought the case to the government's attention was noted. Though usually a father, occasionally a brother, an uncle, or a mother also sought governmental assistance in reestablishing family honor by disciplining fornication. From the end of the 1350s, however, as the language of the cases grew more complex, the Avogadori stopped recording the complainant. Presumably in such matters the family remained crucial, but at about the same time that it dropped back to a lesser role in the language of the cases, a broader range of honor moved to the fore, focusing on our transcendent trinity of honor.⁵

Reference to a broader sense of honor was not entirely new. When, for example, in 1326 a certain Stefano Bucio ran off with a young girl named Caterina, the girl's mother and brother brought the matter to the Avogadori's attention. After a brief investigation they concluded that fornication had occurred and added the censure that the deed was "against the rules [*ordines*] of the city."⁶ Breaking the rules of the city might seem merely an empty rhetorical flourish added to a mundane case of fornication, but it may also be seen as the first stage of extending the concept of the family's honor to the concept of the commune's honor. This crime not only damaged the honor of a lower-class family of apparently rather recent Slavic origins, but by breaking the city's rules it also damaged the order and thus the honor of the commune. In terms of the concept of honor, the jump from a father's or a family's prerogatives over a daughter to a state's prerogatives over its subjects was a short one but with immense significance for the relationship between the state and the individual.

By the 1360s the honor of the state had become a regular and central concern of the Avogadori's reports. A case of 1369 demonstrates this nicely while revealing the broader context of Venetian family and sexual complexities that fornication frequently entailed. In August of that year Michele Dolfin, a noble of some stature, was prosecuted before the Forty for tying up a fellow noble, Pietro Condulmer, and beating him with a sword. Nobles were not averse to brawling with each other and even drawing blood, but thrashing a bound peer with a sword was unusual and obviously both painful and demeaning for Condulmer. Michele's motive, however, garnered a certain sympathy from his noble judges, who ordered him to pay a relatively modest fine of 100 *lire di piccoli*. (See Table 1 for a breakdown of penalties for fornication.) Sympathy was generated because

Table 1. Penalties for Fornication, 1326-1475*

Years	Min.	Mild	Mod.	Subs.	Strict	Severe	Minor Corp.	Major Corp.	Marriage	Unclear	Total Cases
1326-1400	36%	33%	15%	5%	3%	—	—	—	8%	—	39
1401-1475	6	9	9	6	6	32%	1%	—	21	10%	68
1326-1475	17	18	11	6	5	21	1	—	16	7	107

Source: Based on A.S.V., Adv., *Raspe*, Reg. 3641-3654 (1326-1475).

*Categories

Minimal: up to 3 months and up to 50 L or 75 L or up to 6 months ban

Mild: more than 3 months and up to 6 months and up to 100 L or 150 L or up to 1-year ban

Moderate: more than 6 months and up to 1 year and up to 200 L or 300 L or up to 2 years ban

Substantial: more than 1 year and up to 2 years and up to 300 L or 500 L or up to 5 years ban

Strict: more than 2 years and up to 5 years and up to 400 L or 800 L or up to 10 years ban

Severe: more than strict in any category

Minor Corporal: beating, branding, and less than a year in jail

Major Corporal: mutilation, execution

Marriage: an option of marriage, which annuls the penalty

Unclear: penalty unclear

Note: If penalty is higher in any category, it is listed at the higher level.

he had caught young Pietro climbing through the window of his home. But the case involved more than breaking and entering, for the particular window chosen by Pietro opened into a room where a number of Michele's young female slaves slept. He had entered by the same window several times previously to enjoy the favors of a slave named Rubea. Suggestively, the records note that at least one time he did little more than sleep with the woman because he was put off by the fact that there were so many other people sharing the room. It would be interesting to know, for a society like Renaissance Venice where sexual privacy was fairly rare, just how many onlookers were sufficient to deter Pietro; but the Avogadori were less interested in such scruples than in those occasions when Pietro managed to consummate the affair. In the end it is clear that even when he judged the room uncrowded enough to proceed, there were still enough other people present to report his deeds to their master. Caught, he was bound and beaten by an irate Michele.⁷

Given our previous analysis, we might argue that by demeaning Pietro, Michele as head of the household was merely redressing his lost honor without turning to the help of the state. The nobility was certainly quite attracted to such direct behavior. But there probably was something more in Michele's rage. Slaves were a common sexual outlet for their masters even though Venetian law moralized against such activity; thus, Michele may have been as upset about the violation of what he considered a piece of his sexual property as about his loss of honor.⁸ The Avogadori, however, saw Michele as the head of a household dishonored by Pietro's fornication much like the fathers or families of other young women. They concluded: "All this was done against the honor of the said Michele and his house."⁹ But Michele's honor did not stand alone. Pietro's climbing through a window to enjoy an evening with Rubea was judged also a deed committed "against the honor of the government."¹⁰ We might well conclude that Pietro suffered his sword lashing for Michele's honor and his fine of 200 *lire di piccoli* for the honor of the Venetian government. Beyond the rhetoric of government honor, however, this fine signified much more. It served to advise both Pietro and Michele and their families and friends as well that when the honor of all involved was reestablished, the matter was settled in the eyes of the government—that is, in the eyes of their noble peers on the Forty. Any further violence or a slide into vendetta would disrupt the honorable settlement of the Forty and dishonor the commune, entailing further penalties to reinstate a just equilibrium of honor. Behind such a calculus of honor, the government had found a most useful conceptual construct for justifying interference in the family lives of even the most powerful Venetians.

By the 1380s the rhetoric took on an even broader context of honor with a growing emphasis on a lack of respect for God as well as the state. For instance, when Bartolomeo Bono was convicted for an affair with the adopted daughter of Santucci di Benedicto, his actions were characterized

as “not keeping God before his eyes, but rather moved by a diabolical will . . . he sexually knew the said Bartolomea . . . with the greatest shame and perpetual dishonor for the said Santucci.”¹¹ Santucci’s lost honor was still a focal point, but ignoring God was similar to dishonoring the Venetian government. Turning away from God was the classic form of dishonoring divinity. The fall of Adam and Eve, the travail of history, and sin itself could all be viewed as stemming from a turning away from God. Perhaps St. Anselm expressed this best centuries earlier in his *Cur Deus Homo?* when he envisioned the whole cycle of the Fall and Redemption of Mankind as hinging on the dishonor done to God and the sacrifices necessary to restore that honor. Not keeping God before one’s eyes, literally turning away from God, became a general theme of sex crime rhetoric from the 1380s, which implied that such deeds showed disrespect for God and dishonored him. As in the case of government, this dishonor added a deeper threat to the crime: It offended not just the family and individuals involved; it threatened the very ordering principles of human life, God, and government.

Law was added in this same period as the last member of the trinity. Falling conceptually between God and the Venetian government, it was the final, enduring force that stood between social life and chaos in the Venetian vision. Thus, dishonor in the fourteenth-century prosecution of sex crime evolved rather rapidly from the concrete dishonor of father and family to the more abstract “not fearing God, law and the state.”¹² Not fearing the elements of this trinity made sex crime a dangerous form of dishonor; it literally threatened anarchy and, more distantly, a Godless world where men followed their appetites without reference to the norms of a social existence. Perhaps not particularly profound, this popular social philosophy—popular in the sense that it was the vision of a ruling group expressed through practical enactments, not the work of political philosophers—seemed to make sex crimes like fornication a virtually subversive act.

In the unexceptional case of fornication between Marco Menego and a young girl named Antonia, we can see this vision clearly articulated. Marco’s crime was characterized as having been committed “not fearing God and holy justice and as a result not holding in awe the state and with contempt for modesty and manifest infamy . . . dishonoring and defaming Pasqualino, the father of the said Antonia, and Cabrina her mother.”¹³ Yet Marco’s penalty for all this, three months in jail plus a fine of 100 *lire di piccoli*, reveals that, dark rhetoric aside, in his case his dishonor to our transcendent trinity and to Antonia’s family was not deemed particularly significant. This contradiction between rhetoric and penalty in heterosexual sex crime was ubiquitous. Penalties were generally mild and remained so while rhetoric moved from minimal to the extreme (see Table 1). In large part this was because of a changing view of the government’s relationship to, and power over, the family and sexuality

rather than a changing evaluation of deviant sexuality. There were some changes of significance there as well, but the rhetoric of sex crime was more the calculus of the authority to discipline than discipline itself. Discipline was provided primarily by penalties, reorganization of judicial and police procedures, and attempts to preserve and reinforce the family as an institution of sexual control.

Returning to our examination of language, the rhetoric of sex crime cases, besides extending the concept of honor, also developed a suggestive analysis of criminal intent. First, as we have seen, this was recorded in terms of the lack of fear or the disrespect that led a fornicator to act. In that way a dishonorable act was given a motivation. But again with the 1380s the Avogadori regularly began to note more active psychological factors as well. The case of Bartolomeo Bono, already discussed, demonstrates that language was expanding to include a broader evaluation of intent. Bono's actions were perceived as being motivated by "not keeping God before his eyes, but instead [being] moved by a diabolical will."¹⁴ "Diabolical will" was, in a way, merely the reverse side of turning from God. As Augustine had long ago pointed out with considerable personal angst in his *Confessions*, he who turns from God leaves himself at the mercy of a diabolical will, especially in sexual matters. Yet by stressing the evil intent in crime, the Avogadori were adding a psychological component to the criminal deed itself. At about this same time we find a related series of judgments becoming standard, turning around lust "moved by a libidinous desire . . ." ¹⁵ or, in the case of a young girl who was not prosecuted, "seeking to fulfill her lustful appetites," ¹⁶ which also added culpability to the deed. The analysis, however, was never particularly profound, nor does it appear to have been individualized. The formulas were few and not really descriptive. Still, an evaluation of intent was considered a meaningful part of the case.

By the mid-fifteenth century a new form of intention, more personalized and apparently more deeply felt, began to appear. Love, a rather mad passion in the eyes of the age, made fornication and adultery as well somewhat different crimes in language and in fact. In language many fornicators were no longer typified as turning their backs on God, law, and state or acting out of diabolical desire, but rather as "being captured by love."¹⁷ The shift from active to passive mood, the absence of transcendent ordering principles, and the madness of love itself (a subject to be discussed later) all contributed to a more relaxed attitude toward those who committed crimes in love's bondage. Love may have fulfilled the requirement of intent, but in such a minimal fashion that it decreased the censure and the penalties involved in prosecution.

This attempt to evaluate intention in crime seems strikingly modern. And the interest in intent was not limited to fornication and sex crimes in general but was a significant feature of Venetian criminal practice as a whole, standing as an important factor in the tradition of tailoring

penalties to individual crimes rather than to the requirements of a rigid code of law.¹⁸ Much as in the government's interference in the sexual lives of its citizens, this concern with intention, though seemingly modern, fits in with a mainstream of medieval thought traceable perhaps ultimately to Augustine, which stressed that responsibility for deeds applied only to intentional acts. Of course, we do not need to turn to Augustine or theological precedent for such an attitude. Roman law and almost certainly folk culture made similar distinctions. Thus, while it is not surprising to find intention considered in the rhetoric of criminal prosecution, it is surprising to see it coming together with a complex vision of honor to form a more articulated rhetoric of criminality in the last decades of the fourteenth and the early decades of the fifteenth centuries, and to see it applied to rather unimportant sex crimes such as fornication.

What triggered this expanded language of sex crime in the 1380s would be difficult to isolate. In the political sphere we might opt for a concrete event such as Venice's almost miraculous escape from the War of Chioggia as a victor over her arch rival Genoa. Perhaps at that point a perennial sense of mission associated with the evolving myth of Venice seemed uniquely fulfilled. Venice triumphant, or to be more accurate her nobility, was then ready to articulate a vision of God, law, and the state working together to secure honor and order against the criminal intentions of a few, even in sexual matters. On another plane, however, it may have been merely the penetration of a new, more humanistically trained generation into the halls of governmental authority, intent on drawing out the broader context of even a relatively humble crime like fornication. Or perhaps we should trace such language to the religious revivals at the end of the century, which gave the functions of government along with much of the rest of society a more moralistic and transcendent tone.

At a deeper level the recurrent waves of the plague that literally cut through the human fabric of society may have played a role in seeking a criminal rhetoric based on more secure verities. From that perspective God and law may be seen as supporting the government and giving it a transcendent possibility beyond the all too apparent temporal limits of the families and individuals who made up society. In sum, we have an embarrassment of interesting causes and a decided lack of criteria for distinguishing among them. That, I think, suggests that we are actually at the edge of a much more profound change in Renaissance society, viewing in the rhetoric of fornication merely the tip of an iceberg that can be explained only with a deeper understanding of the period.¹⁹ Suffice it to say for now that the late fourteenth and early fifteenth centuries in Venice saw a significant development in the language of sex crime with almost no change in the laws. A closer look at the language of the other major sex crimes will add to this conclusion, but it reflects a deep change that at the level of our analysis is best left in its broad outline.

By the mid-fifteenth century, however, the language of sex crime had generally become more laconic, and the language of fornication followed suit. Honor had largely dropped out of the case rhetoric, especially the more abstract honor of God and the state. Occasionally an unusual crime could still draw forth the full panoply of rhetoric, but normally crime was described simply and directly. This decrease in the complexity of language seems to have paralleled a lessening of concern with fornication, adultery, and even rape. Prosecutions by the Forty dropped off dramatically; only eight fornication cases were heard in the last quarter of the century, and even earlier those cases being tried were limited to the most serious. Normal crimes were handled by lesser bodies in a pro forma manner. It seems clear that fornication had been demoted rhetorically and procedurally to the minor status that its minor penalties seemed to warrant throughout our period.

On the morning of the third of February, 1405 m.v., Francesco di Vanzoni sent Maria, daughter of Alberto Francesco ab Auro, home to her father and family. The day before they had been married; that evening they had consummated their marriage, which "immediately thereafter Francesco admitted to his friends." But in the cold light of the morning, perhaps moved by the "diabolical will" reported by the Avogadori, he sent his young bride home, claiming she had not come to him a virgin. To Francesco's mind at least, this was adequate reason to invalidate the marriage. Apparently it was a perspective that had broader support, for after investigating, the Forty ruled that he had "falsely, evilly, fraudulently and dishonestly maligned the purity of this trembling little girl and virgin."²⁰ On the grounds that Maria had in fact been a virgin before her marriage, they ruled that Francesco must return the 45 *lire di grossi* he had received as a dowry, pay 20 *lire di grossi* for Maria's clothes, and buy 45 *lire di grossi* in government loans, the interest of which would provide for the girl's maintenance and support. In this way, while tacitly accepting Francesco's position that virginity was a significant prerequisite for marriage, the Forty rejected his accusation and, most important for Maria and her family, saw to it that he did not escape his obligation to his bride even if he rejected her. That reality seems not to have been lost on Francesco; faced with the financial burden of a wife without having her or her dowry, he reconsidered his complaint and offered to reaccept his young bride. She consented, the Forty did too, and our newlyweds disappeared from the criminal records of Venice, perhaps even to live happily ever after.

Two issues stand out in the momentary problems of Francesco and Maria that were central to the crime of fornication in Renaissance Venice. Virginity was a meaningful ideal for unmarried women; without it a woman could have trouble being accepted in marriage. Thus, faced with

Francesco's charge, Maria found herself in a cruel bind. As a nonvirgin after Francesco refused to keep her, she had become to a large extent unacceptable for another marriage. The Forty stepped in and solved the situation in perhaps the only manner feasible for her. Judicially, they established her premarital virginity. Financially, they provided her with the means to exist. Most important perhaps, with a little carefully applied pressure they secured for her the state of marriage, the correct social place for sexually mature women. In fact, a large proportion of fornication cases examined by the Avogadori and tried before the Forty focused on this correct social placement of sexually active women in marriage. The traditional problem of premarital sex was compounded in the medieval and Renaissance periods by the lack of a clear definition by the Church of what actually constituted a marriage. It was really only with the Council of Trent in the sixteenth century that the matter would be definitively settled. In the fourteenth and fifteenth centuries the issue remained problematic. Jean-Louis Flandrin sums up the Church's position: "From the twelfth century, the Church had held marriage to be a sacrament which spouses administered to themselves by exchange of consent."²¹ This could be and was frequently done in secret and without witnesses. The possibilities for problems in such a situation were clearly myriad and only compounded by an urban environment, where family and peer pressure were weakened by the scale and fluid anonymity of daily life.

If mutual consent was the sole requirement for marriage, one might well ask the Florentine Gregorio Dati exactly when he married his second wife, Betta. He reported in his memoirs:

I shall record here how I married my second wife, Isabetta, known as Betta, the daughter of Mari di Lorenzo Vilanuzzi and of Monna Veronica, daughter of Pagolo d'Arrigo Guglielmi. . . . On March 31, 1393, I was betrothed to her; on Easter Monday, April 7, I gave her a ring. On June 22, a Sunday, I became her husband in the name of God and good fortune. Her first cousins, Giovanni and Lionardo di Domenico Arrighi, promised that she should have a dowry of 900 gold florins. . . . We arranged our match very simply indeed and with scarcely any discussion. . . . On the 26th of that same June, I received a payment of 800 gold florins from the bank of Giacomino and Company. This was the dowry.²²

Here we have the essentials of marriage from the perspective of a rather level-headed Florentine businessman. Yet there were a number of moments, starting with the betrothal, when one could have claimed that mutual consent had been established. In turn, there were a number of steps that, had they been bypassed, might have led to doubt about consent. For example, the omission of the giving and accepting of the ring could have led to doubt, just as the deed could have been seen to signify a formal statement of consent. Of course, for a businessman like Dati the negotiations that secured his consent to marriage turned to a considerable extent

on the dowry to be bestowed on his wife. Failure to fulfill that aspect of the betrothal, he might well have argued, would have had considerable impact on his consent. Of course, such a mercenary approach so baldly stated would have troubled many churchmen, but much civil litigation turned on just such issues. On Sunday, June 22, 1393, in a ceremony he did not bother to report, he became her "husband in the name of God and good fortune."²³ Many other unions were considerably less sure, especially at lower social and economic levels where family negotiations about dowries were minimal or nonexistent and rings were less likely to be exchanged. In the end there were practical doubts about what constituted mutual consent at all levels of society from theological theorists on down.

On a legal plane, however, tradition had made matters somewhat clearer, and this perhaps explains Dati's certainty about the date of his marriage. As David Herlihy and Christiane Klapisch-Zuber have shown so ably in their massive study, *Les Toscans et leurs familles*, in the Italian Renaissance three legal acts normally helped mark the passage of a young couple into the state of matrimony.²⁴ The first signpost was the *instrumentum sponsaliti*. This was essentially a contract of consent in which each party to the future marriage guaranteed a willingness to marry, either in the person's own right or by proxy (normally the female was represented by her father or a relative). The agreement, however, usually did not name a date of marriage or a dowry figure. This was probably the betrothal Dati referred to as taking place on March 31. The *confessio dotis* established the amount of the dowry that was to be exchanged or had already been handed over. This act was usually drawn up on the same day as the marriage. In Florence, at least, the marriage was formalized before a notary with a simple exchange of vows.

The Venetians largely confirmed this model. Obviously, once again economic and social place had considerable impact on whether a couple would complete all the contractual niceties of marriage, but theoretically the process in Venice began with a contract of betrothal, which usually stipulated the value of the dowry. This was followed by the payment of the dowry and the drawing up of a legal receipt for the exchange, which made the contract secure. To that point both sides could back out of the betrothal, but only with the payment of a fine. Finally, on the marriage day itself vows were exchanged, sometimes in church with a blessing of the couple and the ring. But equally important was the public transferral of the bride to the home of her husband on the marriage day, which signified to the community that a marriage had occurred.²⁵

The process could be considerably more straightforward, however, than such a theoretical overview implies. For example, one night in the fifteenth century when a certain Giacomo was caught hiding in the room of Ventura, he was convinced by her family that marriage was an excellent idea. In fact, one member of the family reported that when the young man was asked if he wanted to marry into their family, "he replied willingly

that he was content and he had not come [to her room] for any other reason."²⁶ We may be permitted our perhaps uncharitable doubts, however, for Giacomo's marriage was preserved for us when he later claimed that he was forced into it against his will. Significantly, the issue was not argued on the validity of the ceremony itself, which fell far short of the more articulated ideals of Renaissance marriage outlined above.

Before several witnesses rounded up rather aggressively by the bride's family—one was literally dragged from bed, having left the door of his house unlatched—the ceremony was performed by one ser Zanino Dardanese.

He began by asking, "In the name of the Father, the Son and the Holy Spirit, ser Giacomo, do you wish for your wife Ventura, daughter of ser Francesco di Stefano, in accordance with the command of God and Holy Mother Church?" Giacomo responded, "Yes." Then Dardanese turned to Ventura [and asked] "And you, donna Ventura, do you wish ser Giacomo here for your legitimate husband as God commands and the Holy Mother Church?" She replied, "Yes." Then he said to them, "Join hands." And Giacomo and Ventura joined hands.²⁷

The kiss went less smoothly. Zanino pushed them together to help them overcome their bashfulness (*vergogna*). But apparently Giacomo's lack of enthusiasm for his marriage was beginning to show through, for one of the bride's relatives remarked to Giacomo, "Cousin, for me this is little meat for so many verses," referring to the timid kiss.

Things rapidly came apart. Aided by his brother, who was a priest, Giacomo argued before the patriarchal court of Venice that the marriage was not valid because he was "forced into it against his will."²⁸

Behind the complexities that Renaissance custom had added to marriage, consent remained the key; and as consent implied an evaluation of outer actions that revealed inner intent, the question of what constituted a marriage remained confused, leading ultimately to many cases of fornication being tried before the Forty. Normally, the Forty left the determination of marital status to ecclesiastical authorities, but they were eager to promote marriage by using fornication prosecutions to force marriage or at least clarify the relationship of couples.

In the uncertain context of Renaissance marriage, the promise of marriage often seems to have been enough at lower economic and social levels to initiate a sexual relationship. A number of recent studies have shown that premarital intercourse in village society was fairly prevalent with the understanding that such relationships would lead eventually to marriage, especially if pregnancy ensued.²⁹ Apparently a similar tradition operated in Renaissance Venice. For example, Francesco Redolfi easily won the favors of the young daughter of a tailor named Nicolosia in 1467 by promising an eventual marriage. The affair was a success—perhaps too much of one, for Nicolosia became pregnant. In a rural area, community pressure would have forced the couple into the acceptable moral and

social state for childbirth—marriage. But the urban environment provided Francesco with another option. He disappeared into the anonymity of the city, leaving Nicolosia with her promise, pregnancy, and ultimately the Avogadori. They stepped in and prosecuted her absent lover for fornication. It may have been an empty formality, but Francesco was ordered to pay Nicolosia 100 ducats, which might have provided a dowry adequate to find a husband or at least help with the expenses of bringing up the child. In addition Francesco was to pay the commune 100 *lire di piccoli* and serve six months in jail. To force the issue, the Forty required him to appear within a short period of time or the jail sentence would be doubled. In this case our records do not report if the prosecutors ever succeeded in forcing Francesco to accept his responsibility. But significantly, much of the Avogadori and Forty's concern with such crimes was to replace the informal pressure of peers in the rural community with the formal pressure of law and prosecution in the urban environment.³⁰

Pregnancy and childbirth outside of marriage put a heavy burden not only on the young woman left with a child but on society as well. The hospitals of Venice that served as foundling homes complained regularly to Venetian authorities about the large numbers of children abandoned to them and the high mortality rates of their young charges. For example, in 1466 the hospital of the Pietà reported that 460 infants had been left on their doorstep in the last year. The Venetian Senate responded with an added dole and a letter to the pope asking him to give the hospital additional benefices to support this inundation of abandoned children.³¹ It may be that these figures were somewhat exaggerated to strengthen the hospital's case for additional support, but even as an exaggeration they are a striking indication of the extent of the problem. Some took more direct action, as the case of Perina, daughter of Bartolomeo Bubola, reveals. "Because she allowed herself to be known carnally by a neighbor, she became pregnant." Having successfully hidden her pregnancy, she gave birth by the canal behind her house one night and threw the child into the water. During her prosecution, however, she maintained that the baby had been born dead, an argument the Forty accepted as they sentenced her to a mere three months in jail.³² Even if we accept her contention, a doubt remains, fostered by the fact that she chose to have her baby in the dangerous proximity of a canal. The Avogadori and the Forty were obviously suspicious as well, but they could not prove infanticide and perhaps even were inured enough to it to look the other way unless the deed could be proved absolutely. In the end the extent of infanticide remains problematic. Perina escaped with a mild penalty; infanticide was seldom prosecuted. The only certainty we are left with is that many babies were abandoned at hospitals like the Pietà. Marriage, obviously, must have seemed to Venetian authorities the preferred way to handle childbirth.³³

For some, apparently, a promise of marriage acted as a substitute for marriage. If partners at the lower social levels stayed together without dowry or family connections, there was little reason to formalize their

intentions. Frequently, the records report couples who considered themselves unmarried living together as if they were married.³⁴ How common such arrangements were is difficult to judge, but as we move down the social scale, we find that these informal living arrangements were more regular. Occasionally when such unions broke apart, they appear in our records. The case of Marieta from Chioggia reveals such a relationship and demonstrates how little censure it evoked from the Forty or the community. Marieta, the adopted daughter of a fairly substantial family in Chioggia, had been brought to Venice by a certain Daniele with a promise of marriage. Their relationship developed into a stable one. Together they produced five children, and Marieta was reputed even by the Avogadori to be a young woman of "good condition." In the community no one was particularly troubled that this couple with their growing brood was not formally married; one assumes the point was not stressed. Given the fact that society itself was unsure about what constituted marriage, a certain lack of clarity and ambiguity was probably normal.

That ambiguity disappeared, however, when Daniele abandoned Marieta and their five children. The Avogadori were called in, the promise of marriage was recalled, and Daniele was prosecuted for fornication. Once again the state settled the outstanding issues. Daniele was ordered to take the five children of their relationship and raise them at his expense. This was normal procedure. The father had the economic responsibility for raising his illegitimate children when the courts were called in to settle the issue.³⁵ In addition, Daniele was required to give Marieta 50 ducats "for her modesty" and to pay the Avogadori 100 *lire di piccolli* for their expenses.³⁶ Fifty ducats may not have bought Marieta much modesty, but it may have been enough as a dowry to secure her a husband and the acceptable status of a married woman.

Uncertainty about marriage was not limited to the lower social strata; at times we find it at the highest levels of society. In 1495, for instance, the Avogadori tried a case where a young noble, Geronimo Zorzi, falsely convinced a noble widow, Margarita Nadal, that he had married her daughter Caterina. As a result he won a handsome dowry and Caterina as well. Things quickly came apart, however, when it came to light that they really were not married and that Zorzi already had another wife. To complicate the matter, Zorzi fled, taking the dowry but not Caterina with him. At the level of the nobility, this was such a serious crime that the case was brought before the Senate rather than the Forty. Representing the cream of the Venetian nobility, the Senate heard only the most important or unique criminal cases. This crime, prosecuted as fornication, required the most careful review possible, however, for it seemed to endanger the family base of the nobility and the government. The penalty reflected the fact that such deeds at the upper levels of society would not be tolerated. It redressed, in part, the grievances of the Nadal family, but it really focused

on a severe punishment for Zorzi, presumably as a lesson for others. Thrown in jail until he repaid the dowry he had taken, he was then to be banned perpetually to Crete. If he broke that ban, he would be imprisoned for life.³⁷ A lack of clarity about what constituted marriage was not something to be trifled with when the nobility was involved.

A promise of marriage was not always a peaceful step on the road to fornication. Courtship and sexuality still retained a considerable level of the brutal directness traditionally associated with feudal mores. It was not atypical to begin a relationship with rape, move on to a promise of marriage, and continue with an affair. One assumes that marriage was, in fact, often the end result of such brutal directness; occasionally when it was not, as in the case of Giacomello Zaratino's violent wooing of Maria di Martino in 1424, the event was recorded. The Avogadori reported that "the said Giacomello Zaratino with a naked blade in hand crossed the little bridge and grabbed this Maria by her arm. He then dragged her under a pomegranate tree and beneath the tree raped her twice taking her virginity. While accepting her flower [of virginity] he promised to take her as his wife."³⁸ Knife, rape, and a promise of marriage apparently seemed less daunting to Maria and many other young women than one might expect. In her case an affair ensued: "After [the rape] he regularly entered the house of the said Nicolò [Nicolò Contarini, the noble in whose house Maria lived], knowing her carnally in bed and on a chest."³⁹

In a similar case from 1455 a certain Blasio raped Maria, the young daughter of a boatman. Although she was only ten years old, Blasio's promise of marriage secured a continuation of their relationship without further violence, until Blasio disappeared. At that point the government stepped in to prosecute fornication, once more with the primary goal of promoting the institution of marriage. Blasio's crime was more serious than most because it involved a child (*puella*), so he was sentenced by the Forty to be beaten from San Marco to the Rialto and to serve a year in jail. In addition, he was ordered to provide 200 *lire di piccoli* for the girl's dowry. But they gave Blasio an option—eight days to decide to marry Maria and credit her with a 50-ducat dowry. If he accepted, he would be spared his other penalties. Apparently Blasio found it an easy decision, for the Avogadori noted in the margin of their register: "The same day after lunch the said Blasio . . . indicated that he was content to accept this Maria as [his] wife and dictated a dowry contract of 50 gold ducats for Maria and thus in accordance with the terms of the condemnation, he was freed."⁴⁰ From rape to fornication to marriage appears to have been a relatively common progression—one that was occasionally aided by a fornication case heard by the Forty. This, in turn, implies that a fair amount of violence against women may have been typical of sexuality, a conclusion that will be borne out in our examination of other sex crimes.

We see examples of such behavior even in apparently nonviolent courtships. A striking indication of the easy fluctuation between violence and

courtship even at higher social levels comes from the testimony of Benevenuta dela Mota, the adopted daughter of the noble Paolo Contarini, about her rape by a noble, Michele Morosini. She testified:

About three or four months ago the nobleman Michele Morosini began wooing [Benevenuta] ardently. He sent her a servant of his, whose name she did not know, to tell her that he was dying of love for her. [He asked] that she open the door of her home to him and not allow him to die of love. She replied that she did not wish to do it. Later one night the said ser Michele asked her to open her door to him, promising her that he would do her no harm. Thus she let him in. He entered and tried to grab and kiss her, but she fled, locking herself in her room, and went to bed. Later, after several days, Michele sent a relative of Benevenuta to her [saying] that if she did not speak to him he would die. Feeling sorry for him, not wanting him to die, she therefore let him in, not believing he wished to do her any harm. When he came he promised the said Benevenuta that he would give her furs and pearls and many other things. As a result she was willing to consent to Michele who then had sexual relations with her and took her virginity.⁴¹

Promises, flattery, and violence went hand in hand in the wooing of Benevenuta. Tellingly, it appears that she was most interested in presents. The affair came to a head one evening when Michele returned for a third tryst. "Benevenuta opened the door to the said Michele with the intention of giving herself over to pleasure with him. . . . She hoped to have the presents from him which he had promised. Having been discovered, however, there was nothing [for them] to do except flee. She and Michele escaped, boarding a boat, where Michele raped her against her will. . . . The two previous times he had had sexual relations with her, however, were with her consent."⁴²

Criminal records, even reports of testimony, have a tendency to compress detail, creating perhaps unintended juxtapositions of material. Yet such juxtapositions often reveal structures of perception that are more nakedly revealing than the intentional reportage of chronicler or moralist. Here it seems clear that violence and sexuality were easily associated. Relationships could swing from one to the other in the process of courtship.

To a degree this may have been due to the nature of courtship. Contact between women and men was limited. At higher social levels this was required by custom and morality. But for society as a whole it seems to have been a wise policy in light of the fact that women, especially women of lesser status, were viewed as inferior and lustful creatures who could change from lover to victim with alarming ease. This helps to explain the frequent uncertainty about rape that we will encounter when we analyze that crime. When violence and resistance could not clearly be demonstrated by the Avogadori, they frequently preferred to leave the matter ambiguous, which contributed to a devaluation of rape.

If violence was frequently associated with fornication, love from the 1450s on also seemed to gain a central place. Love occasionally reared its emotional head earlier, but from mid-century it was referred to explicitly in more than one-third of the cases heard and was usually treated as an extenuating circumstance. For example, when Antonio Spim seduced a young girl in 1455 with a promise of marriage, the Avogadori noted that "at that time he loved her."⁴³ Taking that love into account, the Forty saddled him with a mild penalty of two months in jail plus a fairly standard fine of 100 *lire di piccoli* and an 80-ducat dowry; if he agreed to marry the girl and credit her with that dowry, however, he could escape the rest of the penalty. Examples could easily be multiplied, and a similar tendency will be found in adultery prosecution. Love was becoming a focus of interest in prosecution during this period and apparently a potent, disruptive force in the eyes of Venetians. Men and women in its grasp were less culpable for their crimes than were those who acted from lust, cold reason, or personal gain.

Many cases reveal a certain truth in this perspective. People were quite capable of acting against their own best interests when love entered the picture. In 1456, for instance, it appears that a master builder named Bernardo had higher goals for his daughter, Luchesia, than a marriage with Aliusio a Turri. When Aliusio and Luchesia, in love, ran off together, Bernardo had Aliusio prosecuted. The penalty imposed was strict, reflecting the fact that he had carried off his lover and that they had gone into hiding—six months in jail, a fine of 300 *lire di piccoli* for the Avogadori, and 300 gold ducats for the girl's dowry.⁴⁴ Undaunted, Aliusio escaped from jail to run off again with Luchesia two months later. The Avogadori noted once again that his motivation was love, a feeling apparently reciprocated by Luchesia. In this case, however, love was not to win out. Once more Aliusio and Luchesia were separated by Venetian authorities, but this time the Forty showed more sympathy for the young lover, sentencing him to an additional two months in jail and fining him a minimal 100 *lire di piccoli* for the Avogadori.

Behind this sympathy lay a more general Venetian vision of the importance of reason in crime. Reasoned crimes were seen as more dangerous and crimes based on emotions, less so. The criminal records imply, in fact, that love could push a person beyond reason to madness—a state of lack of legal responsibility for one's actions. The strange case of Domenico Contarini, a noble of important family caught in a love that became a mad passion, illustrates how uncontrollable love might become in the eyes of the Venetian nobility. A Greek woman named Gratosia, it seems, was most eager in the early 1480s to keep the love of young Contarini, for she banded together with Menega di Modon and Maria Greca to brew several potions and perform a number of magical operations to win and hold his love, with amazing success. According to the Avogadori, a con-

fection composed of the heart of a rooster, wine, water, and menstrual blood mixed with flour and cooked to a powder, when administered by Gratosia to her unwitting admirer, "rendered him insane and wild to such an extent that the said Domenico committed the most diverse and sad stupidities . . . and moreover diverse bestial and wild acts coerced in the end by an unbreakable bound of love."⁴⁵ Love, helped by Gratosia's potion, was a force that was thought to have destroyed Domenico's rational self-control. Not only did he fall madly in love, he "committed the most diverse and sad stupidities." Significantly, however, his insane love rendered him not culpable. It appears the Avogadori and the Forty were eager to accept the unusual effectiveness of Gratosia's potion, at least in part, to explain and devalue those "wild" and "bestial" deeds of Contarini left intentionally vague.⁴⁶ The potion also excused Domenico of responsibility for his "frequent and diligent copulation" with Gratosia; thus, the Forty could punish Gratosia for her magic while allowing Domenico to go free and recover from the havoc wreaked on his psyche by love, spells, and potions.

Suggestive of a darker vision of Renaissance love is the fear that Gratosia's womanly wiles provoked in the Venetian nobility. We seem to be already on the road to the witch craze that later swept Europe. Yet, at the same time it is interesting to note that Gratosia and her advisers believed they had a wide range of weapons in their arsenal. In addition to the potion noted above, the Avogadori reported that "one day when she was in bed with Domenico and they were playing together, Gratosia took from his navel some of that dust or material that collects there and mixed it with some of her own. Part of it she gave to him in a drink and part of it she drank herself."⁴⁷ The results of this strategy were not so dramatic as those of the earlier potion, but the mix of sympathetic magic and potion making is reminiscent of much magic. The virility of a rooster's heart and the "centralness" of menstrual blood and the navel all pooled the love of the lovers, reinforced it, and created an intense, ultimately uncontrollable emotion.⁴⁸ Similar magic can be found in apparently unrelated cultures (for example, among the American Indians), implying that here at the most intense levels of human emotions we may be touching groups of perceptions and associations that have come together quite independently to form similar cultural patterns.

One is caught also by aspects of this affair that go beyond magic. The Avogadori innocently report the couple "playing" (*luderent simul*) in bed together when she was harvesting her navel lint. Or again they note their playing and fooling in bed when Gratosia measured his *membrum virile* against a candle that had been blessed previously and that ultimately would be lighted at Mass in the name of their love.⁴⁹ This was a far cry from the direct brutality of courtship punctuated by violence and rape noted earlier. It would be too simplistic to picture Renaissance sexuality as male-dominated with little room for affection expressed between part-

ners. Of course, that was often the case, but Gratosia and Domenico could play in bed together and enjoy each other. Perhaps that explains to a degree the success of Gratosia's magic.

Nonetheless, the passion that held the noble Domenico to the young Greek Gratosia was mad by definition as far as the Forty was concerned. Fornication with lower-class women was no problem; in fact, it was a significant aspect of the culture of illicit sex in Renaissance Venice. But Contarini broke the rules of that culture and the dominant one as well when he became completely caught up with his non-noble mistress. Such love for a woman of lesser status was so unacceptable that it was judged insane. Fortunately for Contarini and the nobility's perception of social reality, Gratosia could be considered a practitioner of black magic. For Gratosia, unfortunately, social values were maintained at a stern price. She was paraded from San Marco to Santa Croce with a crown of ignominy on her head and a herald proclaiming her guilt. Then she was returned to San Marco, where between the columns of justice she was branded on each cheek and on the upper lip and banned perpetually. In addition, she was fined 300 *lire di piccoli*, if she had the resources to pay it. Finally, if she attempted to return to Venice and her lover, her nose would be cut off; she would be rebanned and required to pay yet another 300 *lire di piccoli*.⁵⁰ The price of love across social barriers was high, and significantly the disciplining of it was atypically public and ritualized.⁵¹

Most fornication cases involving love had lesser social hurdles to overcome and received a more light-handed, ameliorative treatment. Another Gratosia in 1461 found her affair with Giovanni Scarpazo heard before the Forty. She had given up her virginity in return for his love and a promise of marriage. Once again it was no short-term flirtation. Giovanni was described as "having loved her for two years." Clearly, a long-term serious relationship stood behind this case of fornication. Perhaps an unexpected pregnancy made the case public, as Giovanni was out of Venice with the fleet when the matter was brought to the attention of the authorities. The Forty, as usual, sought to promote marriage for the couple with its penalty. They sentenced Giovanni to one year in jail, a fine of 200 ducats to supply a dowry for Gratosia, and an additional fine of 50 ducats, all to be exacted once he returned with the fleet. It was a stern price for love, but one with an easy escape, for if Giovanni agreed within one month of the fleet's return to marry his lover and credit her with that same 200-ducat dowry, the other penalties would be dropped.⁵² In such cases, by far the more typical type involving love in the late fifteenth century, love was given a chance. But, of course, it was given that chance within the traditional context of the Forty and the Venetian nobility—marriage. Marriage provided the correct place in society for sexually active women and was the preferred end of love and fornication.

Presumably such government interference was reserved for extreme cases when family or community pressure had failed to secure quietly

similar results. Antonio Conradi's betrothal probably comes closer to the norm in such cases. He had been able to have sexual relations "at will" with the daughter of Marco Pergoloto, even in her home. One night, however, they were caught in bed by her family, and Antonio had to face his reckoning. Her parents asked him "what he was after." He responded, with a certain resignation and some wit, given his literally exposed situation, "a wife." It was an answer that won the support of all present, and without further ado, "in the presence of everyone [there] he made his pledge to her."⁵³ We can only guess how often such pre-shotgun, shotgun wedding-style procedures were actually a form of entrapment. But for many, obviously, the cost of dowries must have made fornication seem a more economical and likely road to marriage. In Antonio's case one is made suspicious by the easy access he had to his mistress in her father's house. Apparently Antonio rapidly came to just this conclusion, for once he escaped his lover's bed and her parents' grasp, he rejected his betrothal.⁵⁴ Again the Forty pushed marriage by offering him the option of honoring his word or serving a six-month jail term plus a fine of 400 ducats for a dowry and another 100 ducats for the *Avogadori*.

This case and the earlier one of Giacomo and Ventura, heard before the patriarch, suggest that not all were willing to accept their fate quietly, but it is highly probable that most, faced with such a *fait accompli*, accepted their mistresses as their wives. If the procedure was as widespread as it appears, it may well have done a great deal to undermine the traditional vision of marriage as a transfer of property between generations, arranged by families. Fornication short-circuited that process and the legal stages of marriage associated with it, which were discussed earlier. But paradoxically, it provided an economic incentive. When a dowry could not be raised, a little straightforward sin might procure the same results. In sum, love for once won out because of a lack of money. This meant, moreover, that fornication created a number of marriages based on attraction or even love rather than broader family concerns. The analysis of adultery later in this study demonstrates that affection and mutual attraction were becoming for some an important aspect of marriage as well. A personal choice of partners had become a part of sexual life before, during, and outside of marriage.⁵⁵

But the older tradition continued as well. The Forty regularly was involved in fornication-related cases that vindicated family interests against the "incorrect whims" of young passion. The case of Domenico Contarini's mad passion, discussed earlier, should be read almost certainly in such a light. Elisabetta Badoer's problems with another Contarini, Pirano, reveal just how far noble families were prepared to go at times to invest their daughters in marriage. Young Elisabetta's father, Giovanni, was involved in negotiations for the bestowal of his daughter's hand when Pirano began to undercut his diplomacy by claiming publicly that he had slept with her both at the family's summer villa on the mainland near

Mirano and in Venice. He also produced witnesses who had seen him enter her window at Mirano, along with a batch of love letters he claimed Elisabetta had sent him. Finally, he asserted that their love had led to their secret marriage.

In a way, such claims constituted a reverse form of blackmail. If people believed Pirano's claims, Elisabetta, if not already married, was at least no longer a virgin. As a result, in a society that officially placed great stock in virginity, Elisabetta's marriage prospects suddenly became quite bleak, and her parents might have felt forced by such publicity to acquiesce, accepting Pirano as the only husband still willing to have her. That was apparently Pirano's hope. As a member of the prestigious Contarini clan, he might have seemed a more than adequate match. He clearly moved in Elisabetta's social circles and had had enough contact to fall in love with her and perhaps do quite a bit more. But Pirano had an overwhelming liability: he was illegitimate. Thus, he lacked the noble privileges of his family. From the Badoer perspective, he must have seemed a particularly unhappy choice. Thus they spared no effort to brand Pirano a liar and exonerate Elisabetta.

This was no matter for the Forty. The case was first brought to the attention of the Council of Ten, the highest and perhaps the most socially sensitive criminal tribunal in Venice. Ultimately, it was tried before the Senate, which included the most powerful of the Venetian nobility. In other words, this was no ordinary case of fornication, and no effort was spared to make the decision as socially correct as possible. One might say that care and attention were rewarded, for Pirano's claims, his witnesses, even Elisabetta's love letters, were all rejected. It must be pointed out that the Senate went to some length to refute Pirano's claims: They ordered "the said Avogadori to have Elisabetta solemnly and most secretly examined by most expert women of good fame in the presence of two noteworthy noble women appointed for the purpose."⁵⁶ The results of this examination as reported to the Senate should have helped Giovanni's marriage plans for his daughter and also provided the death knell for Pirano's hopes. "They reported that Elisabetta was a virgin intact and immaculate."⁵⁷ With her virginity firmly and publicly established, Elisabetta could once again fulfill her role as a tool of noble family diplomacy.

Such prosecution was not entirely limited to the nobility. The case of a dyer named Basilio seems on the surface parallel to that of Pirano Contarini. Basilio sought the hand of the daughter of Francesco di Francesco. When refused, he claimed publicly that he had had frequent sexual relations with the girl even though she was still a *puella*—that is, she had not reached puberty. The state, in the form of the Avogadori and the Forty, stepped in, examined Basilio's claims, and decided there had been no affair. But there were some significant differences in the handling of this lower-class defamation. First, no action was taken until Basilio brought the matter to a head by attacking a relative of his hoped-for bride

with a drawn weapon, crying, "Now you are dead!"⁵⁸ Fortunately for all concerned, the relative, although seriously wounded, did not die. Only at this point did the Avogadori intervene to take up the larger issues involved. As might be expected, given the humbler nature of those implicated, the Forty heard the case rather than the Senate. Their response was relatively restrained. They sentenced Basilio, primarily for assault, to a year in jail plus a fine of 300 *lire di piccoli*, one-half of which was to be given to the victim of his assault.⁵⁹

The defamed girl seemed to be almost forgotten in the main provisions of the penalty. It certainly was not deemed necessary to appoint noblewomen "of good fame" to oversee a physical examination to ascertain the virginity of this girl who had not yet reached puberty. This may not be attributable solely to social differences; it seemed more apparent that Basilio was lying, especially considering the girl's age.⁶⁰ Moreover, he had neither letters nor witnesses to support his contention. Still, the Forty, having stepped in to settle the matter, took on the more difficult issue of defamation. Once they decided that Basilio was lying, they ruled that "on the next Sunday at the hour of the Mass, he [Basilio] is to be taken to the Churches of San Nicolò and Sant' Agneta where in his presence a herald is to publicly proclaim his guilt and that he lied. This the said Basilio must publicly agree with."⁶¹ In her home church of Sant' Agneta and in the more important church of San Nicolò, the young girl's honor was restored, at least officially. The price to Basilio was a small one; the impact on community opinion may well have been minimal. Yet such punishment as carrying Basilio from church to church to assert that he was a liar suggests how committed the Forty and the nobility of Venice were to sorting out the confusing tangle of premarital sexuality in order to maximize the chances of marriage, even for young girls of little status. The ultimate form that such concern could take might involve the public proclamation before a Mass that a girl had not engaged in sexual activity with a dyer or, in an even stranger case, the public announcement at the Rialto that a noble girl, Marina Bono, was still a virgin.⁶²

Defamation and the confusion about what actually constituted marriage are perhaps best summed up by a case from 1460 involving a young bell ringer named Boneto. Living with a master of the craft, he fell in love with the daughter of the family, Margarita. His love was spurned by her family, and in the hope of forcing them to consent to marriage, he claimed to have had sexual relations with her. But when they refused, he went one step further, forcibly putting a ring on her finger and claiming that it meant they were married. Margarita's father was not impressed with such logic, literally throwing the young lover out of his house. Still, the matter was uncertain enough that the Avogadori were called in to examine the issues. They prosecuted Boneto before the Forty, who decided once more that a public proclamation that Boneto and Margarita were not married was in order. In the Church of San Luca, at the hour of the main

weekly Mass, with Boneto present, it was explained to the community that Margarita had been defamed and was both unmarried and a virgin.⁶³

The other side of the coin, forcing marriage through fornication or rape at the upper levels of society, was another problem the Venetian government had to adjudicate. Daughters were often endowed with sizable dowry bequests left by their deceased parents. Thus, orphans could become aggressively sought-after prizes, and the government was anxious to prevent attempts to secure that wealth from disrupting the peace of the nobility. The complexities of such cases are revealed by Clara Zanchani's dynastic and economic introduction to sexuality at the level of the upper nobility in 1366. Her father had left handsome provisions in his will for her dowry, which attracted the interest of the Contarini family. Actually, the noble Zanchani and Contarini houses were already connected by marriage. Clara's older brother Benedetto was married to a Contarini. But the money involved made further connections tempting. The Avogadori's report suggests that Benedetto, in return for the promise of a kickback from his sister's dowry, carried her off when she was eleven to the home of Albano Contarini, a relative of his wife's. There Albano, apparently without recourse to violence, took Clara's virginity in an attempt to force the Zanchani family to consent to their marriage.

Bernardo, another brother of Clara's, objected to this procedure, and at his complaint the case was brought before the Avogadori. Unfortunately for Clara, there was no chance of proclaiming her virginity, which may explain the leniency the Forty showed to Albano Contarini. He was absolved of having slept with the girl at the same time that Benedetto was convicted of having carried off his sister and having overseen her downfall. Behind this seeming contradiction we can see the enduring theme of marriage working. The Forty noted in Benedetto's penalty that in addition to serving six months in jail and paying 500 *lire di piccoli*, he was to receive nothing from the Contarini family and to have no part of any family inheritance released after the payment of Clara's dowry if she should decide to marry Contarini. It seems, then, that Contarini's mild treatment was predicated upon some sort of private agreement that would put everything right by means of marriage.⁶⁴ Clara's fate is unclear, but her case illustrates the much broader context of marriage and sexuality. The same dowry customs that denied marriage to some women could make others pawns in economic or dynastic struggles—even at the age of eleven.

The focus of fornication prosecution by the Avogadori on marriage-related issues creates the impression that fornication occurred primarily between social equals. Most of the prosecuted cases that did not fall into that pattern seem to have been concerned with preventing marriage or long-term relationships across social boundaries. The illegitimate Pirano Contarini's attempt to claim the hand of Elisabetta Badoer and Gratosia the Greek's magical hold on Domenico Contarini come to mind immedi-

ately. This emphasis, however, may well be skewing our impression of fornication in Renaissance Venice. Without doubt a significant level of premarital sexuality should be seen as an important aspect of the Renaissance culture of illicit sexuality. Ideals aside, it is clear that many Venetians were initiated into sexual activity beyond the boundaries of licit sexuality. But the marriage focus of prosecution tells us very little about fornication that exploited women of lesser status where marriage was not an option and the Avogadori seemed largely uninterested in pursuing prosecution. This exploitative type of sexuality was certainly prevalent in rape prosecution and in adultery as well, but it is largely unreported for fornication. The assumption that such fornication did not occur seems highly unlikely. Rather, as we shall see, because penalties for rape that victimized women of lesser social status were so minimal as to be virtually nonexistent, nonviolent sexuality at lower social levels was essentially not worth prosecuting. The Pietà and other foundling homes of Venice may well have seemed the best solution for dealing with this issue. In addition, of course, the widespread acceptance of illegitimate children into noble households also must have served as an ameliorative. Bastards were so accepted that we even find wives making bequests in their wills to their husbands' illegitimate offspring.⁶⁵

The prevalence of servants and slaves in the households of Venice implied a ready pool of women to be exploited. Legislation suggests that this was, in fact, a problem. A *parte* passed by the Major Council in 1364 revealed a sensitivity to the issue. The council argued that servants and slaves who were used sexually by their masters became "vile," "less efficient," and often "pregnant"; therefore, they instructed the Signori di Notte to actively investigate the matter. The legislation, however, admitted its own major weakness, confessing that the discovery of such cases would be difficult because they occurred in the privacy of the master's house. In fact, in the extensive records of the Signori di Notte from the fourteenth century, there is no indication that they ever successfully prosecuted such a case.⁶⁶

Occasionally such a crime was tried before the Forty, but primarily when the servant or slave belonged to another. The case of Pietro Condulmer has already been discussed. A similar crime occurred in 1401 when the noble Vallerio Zen became involved with Lucia Tartara, slave of a fellow noble, Lucca Michael. Zen, after enjoying Lucia's favors for some time in Michael's home, was caught in the act. Michael at that moment was willing to allow the Signori di Notte into his home to investigate fornication with his slaves. They in turn handed the matter over to the Avogadori, who tried the crime before the Forty. For once, such fornication was punished; Zen paid heavily for his crime: one year in jail, 100 ducats to the Avogadori, and 50 ducats to Michael. Michael also had the option of selling Lucia to Zen for another 50 ducats—not a decision, we may assume, likely to contribute to a diminution of the level of fornication with slaves.⁶⁷

In the late fourteenth century it appears the Signori di Notte were prosecuting this aspect of fornication with servants and slaves more aggressively. They complained that the penalty in their working rules for fornication with servants and slaves in their master's home by outsiders was a mere 50 *lire di piccoli*, which was not sufficient to deter those tempted to commit the crime. In fact, their language suggests that they were hearing a large number of such cases: "Because of the small penalty there are heard many cases of lowly people who seduce slaves and other women who belong to the households of nobles and other good men."⁶⁸ Suggestively, however, they seem to have focused more on outsiders of lowly condition who were having sexual relations with members of the household than on the exploitative sexuality within it. Perhaps the nobility had largely come to accept this aspect of the culture of illicit sexuality.

Suggestive of this fact is the report of the Milanese ambassador to his government that the doge Pietro Mocenigo (1476–1478), although seventy years old, still kept two young Turkish slaves as concubines in his household.⁶⁹ Such anecdotal evidence could easily be multiplied,⁷⁰ but sex crime documentation does not allow us to go beyond such essentially impressionistic evidence. Two other factors add weight to the assumption that servants and slaves played a major role in the culture of illicit sexuality. First, studies of slaveholding in Venice show a marked predilection for young female slaves, and the prices garnered for good-looking ones were at a premium.⁷¹ Second, the prevalence of the little-studied institution of the *filia anima* created yet another opportunity for exploiting women of quasi-servant status. This institution, which is discussed more fully later, was a form of adoption by more affluent families of female children who could not be supported by their own parents. Essentially, the *filia anima* acted as a child-servant in return for support and the promise of an eventual dowry. Status halfway between that of a slave and a servant as well as their youth made these young girls particularly vulnerable to sexual exploitation. The records of rape reveal this regularly, but again, the fornication records remain silent on the matter.

In sum, we must suppose that prosecution reports give us a skewed perspective on fornication. Concentrating on marriage-related cases, they overlook much of the culture of illicit sexuality that focused on relationships between powerful men and subservient women.

At lower social levels there were at times considerations other than marriage that led to prosecution. Occasionally fornication was a method of recruiting women for prostitution. Although prostitution was legal in Venice within an officially prescribed area known as the Castelletto, not far from the Rialto, the commune frowned on tricking women into the profession under false pretenses. Pietro Rizo, for example, lured a young woman named Giacobella to run off with him to Ferrara after a short affair. There, helped by the blandishments of his mother, he put the girl out as a common prostitute.⁷² Several other cases involving married

women and young girls brought to Venice from Istria and the *terra ferma* reveal that such seductions were a common method of recruiting women.⁷³ Penalties, however, were not severe. Rizo, who had fled to avoid prosecution, was banned from Venice for six months, not exactly the kind of penalty to strike fear in the hearts of men using fornication to seduce young women into prostitution.⁷⁴

Incest, although seldom prosecuted, was the one type of fornication for which penalties were severe. A case from 1457 involving a goldworker and his daughter reveals this well. The language of the Avogadori does not dwell on the theme of incest; in fact, it is not mentioned specifically. They note merely that the victim, Antonia, was the culprit's "daughter, a young girl and a virgin before she was deflowered."⁷⁵ But the penalty reveals how seriously the Forty took the matter, for they sentenced Antonia's father to ten years in jail followed by perpetual banishment. If he returned to Venice, they promised him a grisly end—his head would be cut off between the columns of justice. Clearly, incest was a serious matter even though its relative lack of reportage allows us to say little more than that about it. Antonia's victimization by her father, however, has a most suggestive bit of extra detail for the history of sexuality in Venice. It makes a direct reference to coitus interruptus as a means of birth control: "He . . . coming together with her when he came to the moment of emitting sperm, withdrew his member and ejected semen between the thighs of the said Antonia because he said he did not wish to impregnate her."⁷⁶

No further explanation was offered. The reference seems to imply that coitus interruptus was not particularly new, unusual, or requiring an explanation. In fact, withdrawal was noted a number of times by the Avogadori in a wide range of cases; this, however, is the only incident that specifically relates such practice to birth control. How widely known and how widespread its use obviously cannot be judged from one reference, even a relaxed and nonjudgmental one. Still, it is a tantalizing hint that suggests that sexuality, licit and illicit in Renaissance Venice, did not necessarily carry as great a risk of pregnancy as might be assumed.⁷⁷

Because prosecution was primarily concerned with marriage, penalties tended to be mild and ameliorative. As in the cases we have examined in this chapter, those penalties tended usually to include very short jail terms of at most a few months, accompanied by small fines and an occasional dowry grant to the girl or woman involved. To evaluate those penalties, we have set up categories that range from minimal to severe. A first glance at Table 1 seems to call into question our conclusion. Penalties labeled severe outnumber any other category. Realistically, however, marriage must be seen as a lesser penalty. If we were to consider it a minimal penalty, 33 percent of all penalties would fall in the minimal category and 62 percent of all penalties could be categorized as moderate or less.

Actually, behind these figures there appears to be a rather startling shift from the fourteenth to the fifteenth century. If we add penalties including

marriage in the range of moderate and below, a full 92 percent of all fourteenth-century penalties for fornication are covered. But when we turn to the period 1401–1475, slightly fewer than half the cases fall within that same range—45 percent—while 32 percent fall into the severe category. It seems, then, that penalties were becoming more extreme during the fifteenth century and that in the perceptions of the nobility fornication was moving from a minor crime meriting moderate penalties to a much more serious matter. Unfortunately, for such a conclusion the sample is quite small, and there are other considerations that call into question such an interpretation.

Most significantly, from the mid-fifteenth century on, the crush of criminal business handled by the Forty forced them to delegate authority over lesser crimes to lesser councils such as the *Capi di Sestiere*, *Cinque alla Pace*, and *Signori di Notte*. These councils gave relatively quick justice on cases that were minor or run-of-the-mill.⁷⁸ For our figures this means that as the century progressed, the bottom fell out of our scale. Table 1, in fact, seems to reflect that nicely.

If this assumption is correct, the significant change is the higher levels of prosecution in the fifteenth century. The number of cases the Forty heard increased until the last quarter of that century, suggesting that when these were added to the cases heard in lesser councils, the state was becoming progressively more involved in prosecuting fornication. At the broadest level of generalization, which is the most the figures permit, it seems that the government and the nobility found their interference in such matters had growing value and that many families agreed sufficiently to turn to the government for help in adjudicating what was once handled by custom or family discipline. This is not to suggest that either family discipline or custom had disappeared; our numbers are too small to warrant such a conclusion. But government had entered into their realm. It had even been asked in, which indicates that both family discipline and custom were undergoing considerable stress in the urban environment of Renaissance Venice, while government was growing with a seemingly inexorable momentum, keyed to a vision of an ordered and stable environment.

Marriage then dominated the fornication cases investigated by the Avogadori and tried before the Forty. Their interest may have centered on dishonor and diabolical or lascivious intent in the rhetoric of the cases, but the practical issue of matrimony and family dominated the proceedings and penalties. This is not to suggest that honor and familial concerns were separate in the eyes of the Venetian authorities; rather, they were as intimately related in fact as they were in the case briefs of the Avogadori. One was the key to the other: Without sexual honor the family would be undermined and society might well collapse. Thus the state felt compelled to examine some of the most intimate aspects of sexual life—to proclaim before the Senate, for example, that a young noblewoman, Elisabetta Badoer, had been physically examined by reputable women and was still a

virgin. Yet behind such cases one can perceive a society where premarital sexuality was tolerated as long as it led to a socially acceptable marriage. At lower social levels it was often literally fornication and then marriage.

Even a noble like Francesco da Mosto demonstrates this fact. In 1469 he broke into the house of a neighboring noble, Alessandro Barbaro, and with the promise of marriage managed to enjoy sexually Alessandro's teenage daughter several times. The Senate heard the case, ruling finally that Francesco should either pay 1,500 ducats for the girl's dowry and living expenses or marry her himself within one month "in accordance with the custom of our fathers."⁷⁹ In the Senate's eyes, then, by the second half of the fifteenth century fornication and then marriage had become a tradition of Venetian society as a whole.

III

Adultery: Marriage and Sex

Marriage and family were crucial for the prosecution of adultery, much as they were for the prosecution of fornication. In distinction from fornication, however, the husband rather than the father or family was identified as the primary victim. As one might expect given the sexual values of Renaissance society, when the tables were turned, the wife was seldom if ever considered a victim. The crime was defined from a patriarchal perspective. Beyond this general vision we find an equally strong emphasis on the wife as a piece of property. Thus, the stealing of a wife with her consent for a moment of passion or a long liaison was perceived as a serious loss of property for a husband and his household. By now this should not seem strange; in the eyes of the law marriage was mainly a property transfer. Emotions and attachments could develop before and within marriage, but the courts were largely concerned with marriage in terms of property as were most of the husbands who sought justice against adulterers.

The early language of adultery is, if anything, more sparse than the rhetoric of the first extant fornication cases. Through the mid-1350s the husband was regularly reported as having brought matters to the attention of the Avogadori. Yet, in that period their prosecution briefs seldom attempt to assess even the damage done to husbands by the crime. For example, in 1341 when the noble Marino Vendelino seduced and carried off the wife of a carpenter, the Avogadori noted laconically that "the case against Marino Vendelino . . . was brought by Andrea . . ." and then summed up the matter as "a disgrace to the said Andrea."¹ With considerable irony, Vendelino soon had a taste of his own medicine. It seems that his wife had not been sitting quietly at home knitting while he was off seducing workers' wives. Rather, she and her maid had been enjoying the attentions of Nicoletto Alberto and Nicoletto Contarini, known as el

Contarini, both nobles from important families. Perhaps because he was spending more time at home after his brush with the law, Marino happened to be there one evening when his wife's ardent suitors arrived armed for love and unfortunately more. As a result, he fell victim not only to their cuckolding but also to their "swords and weapons." Thus, five months after his prosecution we find him badly beaten and back before the Avogadori as the victim of adultery rather than as the culprit. The Avogadori, however, ignored the irony of the crime and attempted to evaluate a husband's loss, which in Marino's case they typified as "a great disgrace and most shameful for Marino Vendelino and his household."² Honor was beginning to play its role in adultery as it had in fornication.

But even honor, to a degree, had to give precedence to property in adultery prosecutions, as is suggested by the first case that went beyond a simple statement of the crime to make a moral evaluation. In 1332 Menego was accused by a cobbler named Pietro of seducing and running off with his wife, Lucia. The Avogadori summed up the crime as carrying off Lucia "in order to fornicate [with her] . . . and in *an evil manner* he [Menego] took certain of his [Pietro's] property from his house."³ Here, even the sexual nature of the crime seems virtually the frosting on the cake of a property crime. Another example that demonstrates the full rhetoric of the early period involved Francesco Triche, who in 1347 complained to the Avogadori that his wife had run off with a fellow aptly nicknamed the Ravisher. About the loss of Francesco's wife the Avogadori were typically cryptic, but about the clothes she took with her that by law belonged to her husband they carefully specified fabric, color, and cut: "He [the Ravisher] took Beria, wife of Francesco Triche of Castello, from the home of her husband with a lined scarlet dress with ribbons, certain furs on her back and a green dress. These things they sold. He knew Beria sexually and kept and still keeps her against the will of Francesco, her husband, with dishonor, censure and shame for Francesco."⁴

There is little that distinguishes between wife and property in the Avogadori's brief. If anything, the Forty's penalty suggests that wife as property was less significant in their eyes than clothing as property. The Ravisher was required first of all either to return the goods taken or to repay their value as determined by the Avogadori. In addition he was fined 40 *soldi di grossi* and imprisoned for four months. But he was warned that if he had sexual relations again with Francesco's wife, he would have to serve one month in jail. Apparently he could ravish without fear of serious penalties, but carrying off property was another matter.

The dishonor, censure, and shame that accrued to Francesco were about as far as the Avogadori were prepared to go in their rhetoric of honor before the 1380s. In the eighties we begin to find our trinity of honor again gaining a major place in the briefs. Marco Longo's brush with the law reveals many typical themes of adultery; its rhetoric, however, demon-

strates this new level of concern. Marco was a close friend of one Venerio, a barrelmaker, who served regularly with the fleet. The familiarity of friendship and the prolonged absences for state service provided both the contact and the opportunity for the seduction of Venerio's wife, Francescina. The Avogadori, however, perceived a broader context; they argued that the adultery was carried out "in contempt of God and Venetian authority."⁵ Moreover, they found Marco's duplicity particularly censurable: "Later when Venerio returned to Venice . . . Marco consorting with Venerio like a friend went with Venerio to his home . . . eating and drinking with him like the closest of comrades. Yet not fearing God or justice, often and most often to the detriment and perpetual dishonor and shame of him [Venerio] he [Marco] most regularly committed adultery with his wife."⁶

Venerio, friendship, the state, and God all suffered in the Avogadori's rhetoric because of this crime. It might seem that the state suffered because Marco took advantage of Venerio's absence with the commune's fleet. Certainly, the government in a city whose wealth was based on trade could not afford to overlook the dangers to the family incurred by the prolonged absences of those who manned the fleet. Nonetheless, from the 1380s on, adultery was seen as an attack on Venetian authority in a general sense just as was fornication; the husband did not have to be absent from the home on state service for the crime to be "against the state." For example, in that same year (1383), when Dorothea, wife of Menegello, accepted the attentions of Andrea Galdioso, the Avogadori summed up her crime as "not keeping God before her eyes and not fearing justice or the state . . . in contempt of God, her marriage, the state and her husband she allowed herself to be carnally known by Andrea to the perpetual dishonor of Menegello, her husband, committing adultery."⁷ Here we are again with our trinity of discipline and honor: God, justice, and the state.

The case of Marco and Francescina's adultery reveals another aspect of the Avogadori's rhetoric that became typical. Francescina's crime was described with a suggestive shift in verb mood: "In contempt of God and the state and the said Venerio, regularly, frequently and most frequently she allowed herself to be known carnally by the said Marco . . . to the greatest detriment and perpetual dishonor and shame of her husband."⁸ The rhetoric of evaluation is little changed from Marco's, but the verb mood makes Francescina passive even though she consented to the crime. The Avogadori had made a very careful distinction. Francescina "allowed" the crime; thus, she was responsible for it and liable to prosecution.⁹ But unlike Marco's rhetoric, she did not "carnally know" him; rather, she was "carnally known by him." Thus, from the perspective of language, Francescina was passive in her sexuality.¹⁰

This determination was not for Francescina alone; in virtually every case where a woman was prosecuted and her sexuality described, the verb mood changed from active to passive even when the woman was the

aggressor in initiating the sexual contact. Another Francescina, wife of the “respected surgeon” Giovanni da Rechanato, was clearly not passive in initiating her affair with Benedetto da Argos. She used her maid to carry notes back and forth and even made the arrangements for the house in which she planned to meet her lover. As a result the Avogadori could not resist heaping on her the full indignation of their evolving rhetoric:

Unmindful of her salvation, motivated by sensuous desires, in contempt of God and sacred matrimony as well as to the detriment, dishonor, defamation, shame and censure of master Giovanni, her husband, and her children, breaking the yoke of matrimony, with degradingly dishonest, voluptuous, low deeds as well as alluring speeches, she attracted and induced to herself Benedicto da Argos *allowing herself to be known carnally* [italics added] by Benedicto . . . in addition she lured Benedicto to come to the home of Agneta Albanese in order to be better able to follow her voluptuous desires.¹¹

Notwithstanding all her active initiation and continuation of the affair, Francescina's sexuality remained passive. This enduring description of female sexuality may merely reflect a scribal convention. But even at that level the continued phrasing of feminine sexuality as passive might be expected to have had some reflection in the perception of female sexuality among those who were accustomed to use such language. More likely—as the rhetoric of sex crime was evolving and growing during the 1380s—a vision that was no longer perceived to be accurate would have been changed in the context of that evolution. Apparently there was an enduring vision of female sexuality as essentially passive even when women like Francescina took a very active role.¹²

The rich rhetoric of Francescina's case reveals another new element in the eighties. Previously, contempt for marriage was occasionally included with contempt for God, justice, and the state. But for several decades after Francescina's case we find the Avogadori making this contempt more concrete by pointing out that female adultery “broke the yoke of marriage.”¹³ Again, such imagery was reserved for women. Sexually they were passive, yoked to marriage, but their sexuality was described as actively destroying marriage. Male adultery, in contrast, though prosecuted and punished, was not phrased as breaking or destroying matrimony. At most it was considered “in contempt of sacred matrimony.”¹⁴

One other major theme was used occasionally in this period: Adultery was thought to injure God. At first the concept of a sex crime's injuring God might seem too “man-centric” to be creditable even in the man-centered orientation of the Renaissance. Yet, in a later chapter it will become clear that a whole complex of sex crimes was regularly seen in this light. Occasionally this vision slipped over to adultery, presumably because it was a short step from believing a crime is in contempt of God and marriage to believing it actually injures God in a society accustomed

to perceiving God and religion in a social and human context.¹⁵ In 1390 Antonia committed adultery with a young painter; the penalties imposed—three months in jail for Antonia, three months plus a fine of 100 *lire di piccoli* for her lover—imply that their crime was not thought unique. Yet, Antonia was described as having “allowed and permitted herself to be known carnally by Giovanni to her great shame in contempt of God and matrimony and with great detriment to chastity and perpetual dishonor for Giusto, her husband, *not considering the injury she did to omnipotent God* [italics added] or the world.” Such rhetoric for simple adultery was rare, so rare that little can be surmised on the basis of it.¹⁶ Again, however, this extreme language was reserved for women—passive in their sexuality according to the language of the Avogadori. Nonetheless, that same language labeled them more culpable, especially in their breaking of marital obligations. The sacred bonds of that sacramental basis of the family seem to have been more binding on women than on men. For men, adultery was a crime that expressed contempt for other males (the husband), God, state, justice, and marriage; for women, the same was true, but in addition they were presumed to be breaking the bonds of marriage and occasionally even injuring God with their passive sexuality.

By the middle of the fifteenth century the Avogadori's rhetoric had become leaner, as if some of the moral and transcendent force of the late trecento and early quattrocento had been lost. The range of themes remained much the same, but case by case the Avogadori were more selective and less florid in their description and evaluation of adultery. That some of the fervor of prosecution may have been lost is suggested by the return to a format that reported the complainant. This had been typical of cases in the early fourteenth century, but had fallen away as the elaborate rhetoric of the fifteenth century seemed to infuse cases with a more public tone. By the late fifteenth century, at least from the perspective of language, cases became more private again.¹⁷ Significantly, in this same period prosecutions before the Forty dropped off dramatically. Once more, as we noted with fornication, lesser cases were being left in the hands of lesser councils. In sum, it appears that as the language of adultery prosecution became leaner, the concern of the higher levels of Venetian authority was undergoing a parallel decline.

On the whole, however, the leap from the language of sex crime to the perception of adultery seems to have been considerable. Rhetorical fervor that saw even God occasionally injured by the crime was lost in more mundane concerns with property, status, affection, and occasional violence as well as a concern with protecting marriage as an institution. The problems of a furrier, Antonio di Udine, and his wife, Margarita, evoke many of the principal themes of the Avogadori's and the Forty's perception of adultery's damages. In early 1424 Antonio was in prison for unpaid debts when Pietro, a draper, took advantage of his absence to begin an affair with Margarita. To mask the affair, Pietro visited Antonio in prison,

claiming to be a relative of his wife's. The ruse worked so well that Antonio even ended up asking Pietro to take care of his wife while he was in jail—a situation the notary recording the case could not resist characterizing ironically as “committing the sheep to the care of a wolf.”¹⁸

Said “wolf” seems to have regularly enjoyed Margarita's favors. Eventually, however, the couple fled Antonio's house, carrying off much of his property, and began living together openly with what was described by the Avogadori as a great loss of honor for Antonio. Still, when his prison term ended, Antonio behaved with considerable restraint. Rather than bringing the matter to the authorities, a procedure both time-consuming and potentially difficult for his wife, he met with the pair, convincing his wife to return home with his property and making peace with Pietro. Significantly, the records contain a value judgment on this conduct. Such judgments were rare and normally reserved for the crime itself, but the scribe noted that this behavior was due to Antonio's “humanity and goodness.”¹⁹ Apparently, at least to the scribe involved, Antonio's pragmatic approach to adultery was thought to be positive and not unmanly, as we might assume, given the male-centered and honor-bound values of Renaissance society.

Antonio's pragmatism secured him not only wife and property but also a promise that Pietro and Margarita “would commit no more evil and avoid all contact.”²⁰ Not kept, that promise led ultimately to a brawl between the two men and government intervention. Both were fined and Pietro was forbidden to approach within ten paces of Antonio's house. The latter provision suggests that Pietro's adulterous intentions had come out in the investigation, but the matter was disciplined as assault.

Yet, while Antonio was at work, Margarita again fled from home to live with her lover. Peacefully, Antonio once more sought out the couple and asked for his wife back, saying to Pietro, “You have enjoyed her, now let me enjoy her.”²¹ Again his plea was accepted, but the reunion was short-lived. Finally, in desperation Antonio turned to the government for assistance, reporting officially his wife's adultery to the Avogadori and asking the Signori di Notte to arrest her. Familial and peer pressure seemed to have less impact than Antonio's pleas and calm approach in this case, but finally, when all three failed to work, this furrier, who had recently been imprisoned himself, called in the state to deal with his family problems.

Pietro, however, was not so calm and orderly as Antonio. After Margarita's arrest, Pietro waited for Antonio in a small street near his shop and brutally struck him down from behind, leaving him “with a major head wound with extensive bleeding and a fracture of the skull from which eventually a large bone fragment was removed . . . so that the said Antonio was in danger of death.”²² Amazingly, Antonio survived, one would like to think as a reward for his peaceful ways, but more probably due to good luck and a thick skull.

Although the rhetoric of this case presented Pietro in the worst possible light, his actions reveal that his relationship with Margarita did not fit comfortably within the context of a double standard. He was no Casanova, leaving one mistress for another with hardly a backward glance at the object of his desires. Rather, he was involved in an affair that elicited deep and troubling emotions. He could even be moved by Antonio's pleas to return his wife, but unfortunately for all involved, both he and Margarita ultimately could not give up their liaison. Antonio, though calmer, was clearly moved by affection as well as by property concerns.

Given the seriousness of the crime, which went beyond adultery to robbery and major assault, Pietro's penalty was very mild. The Forty sentenced him to a mere year in jail and a 100-*lire* fine. Margarita, not involved in the assault, was treated even more leniently and was sentenced to six months in jail and the loss of her dowry to Antonio.²³ Such moderation was typical of adultery cases and most sex crimes as well (see Table 2). Prosecution was not designed to eradicate moral turpitude or replicate the stern code of the Old Testament or even Roman law for that matter; rather, much as Antonio it aimed at more pragmatic concerns. Occasionally adultery could lead to bloody violence, but more regularly it created property problems and threatened to disrupt social relationships at a basic level. The state was beginning to have both the resources and the belief that such matters should be controlled, and Venetians even at the bottom of society were beginning to turn to the state, at times reluctantly, for help.

Property concerns were central in this disciplining at virtually every social level. The main problems centered around the dowry and the limited opportunity married women had to hold property on their own. Women in Venice brought to marriage an often substantial dowry, but by law the husband received only its use. At his death the dowry was to be returned to his widow. Between marriage and death, however, the wife's primary support came from her husband. But crucially, the goods the husband gave to his wife, such as clothing and jewelry, remained legally his.²⁴

Especially when adulterous couples ran off together, these property relationships made adultery considerably more than a sexual matter. The adultery of Ruperto Baxeio, a minor noble, with Margarita, wife of Marco Castellani, is representative. The two had had a long affair and eventually decided to run off, "taking many things and clothes from the home of Marco."²⁵ Legally it was both adultery and robbery. Baxeio, in addition to a fine and a major jail sentence, was required by the Forty to restore all the goods taken or pay Marco a sum equivalent to their value. Margarita also was sent to jail and was required to give up her dowry to her husband.

We might say that Margarita, by breaking her marriage contract, forfeited her dowry. In fact, this procedure became standard with the initia-

Table 2. Penalties for Males Prosecuted for Adultery, 1326-1475*

Years	Min.	Mild	Mod.	Subs.	Strict	Severe	Minor Corp.	Major Corp.	Unclear	Total Cases
1326-1350	31%	46%	15%	4%	—	—	—	—	4%	26
1351-1375	27	38	18	11	2%	—	—	—	5	56
1376-1400	34	37	23	2	—	—	—	—	4	82
1401-1425	24	40	24	8	—	—	—	—	5	38
1426-1450	9	46	21	18	—	—	2%	—	5	44
1451-1476	19	33	30	—	—	—	—	—	19	27
1326-1400	31	38	20	6	1	—	—	—	4	164
1401-1475	17	40	24	10	—	—	1	—	8	109
1326-1475	25	39	22	7	1	—	1	—	6	273

Source: Based on A.S.V., Adv., *Raspe*, Reg. 3641-3654 (1326-1475).

*For an explanation of penalty categories, see Table 1.

tion of the prosecution of women for adultery in the 1360s and was apparently an important incentive for such prosecution.²⁶ Moreover, at the upper social levels, where dowries were substantial, the loss of a dowry could be a major blow to a woman's economic security and to her independence. Often the loss of a dowry may even have worked to force a woman to return to her husband and family in a yet more subordinate role. And as we have seen in fornication cases, the placement of sexually active women in marriage was a goal dear to the hearts of the Forty. In Margarita's situation there is evidence that was the case. After a little more than a year in jail, at the petition of her husband and with her consent she was given a *gratia*, released from jail, and returned home.²⁷

Baxeio was not so fortunate, and again property, or more correctly the lack thereof, was the key. Because he was from one of the smaller noble families with little political power and less wealth, it took him three years to pay his fine and repay the value of the stolen goods. That time was spent in jail and did not count toward the two years he was sentenced to serve; thus, his penury resulted in his serving a five-year sentence for adultery. Ironically, his ex-mistress was able to help him escape his economic predicament. While Baxeio was trying to raise his fine, her husband died. She had been named by him executor of his will—suggesting again a reconciliation. As executor of her husband's estate, she signed the release that credited her ex-lover with having returned the value of the goods he took when they ran off together.²⁸

Although clothing was generally the main item (besides the wife) taken in adultery, jewelry, money, furnishings, books, and even occasionally food were stolen as well. Significantly, the Forty was most anxious to secure restitution of the goods taken. Yet they never punished theft in the context of adultery as seriously as simple theft was punished. In a majority of cases simple theft was a capital crime.²⁹ But something about robbery in the context of adultery—perhaps the sexual passions involved—made it seem a less serious crime than ordinary robbery, even when large quantities of valuables were taken. Also, of course, theft in the context of adultery was less threatening because it was not a robber's doing but a lover's. Thieves required execution; lovers required more moderate discipline. Apparently, however, some were unwilling to face even the minimal additional penalties associated with carrying off a wife's clothing. Young Tomaso Greco, in the Avogadori's words, convinced his mistress to run off with him "nude from her husband's home."³⁰ Rather like St. Francis, she cast off her old property attachments to attempt to begin life anew.

A woman's loss of her dowry was perhaps the biggest property transfer consistently associated with adultery prosecution. As noted earlier, the practice of giving the wife's dowry to the husband began in the 1360s at the same time that women began to be tried for adultery. Previously, the government's concern had focused on the male adulterer. Presumably, the women involved had been left to the disciplining of their husbands. Thus

the 1360s mark a significant watershed for Venetian women; prosecution for adultery in effect constituted a legal recognition that a woman was responsible—as responsible as a man—for her sexual life. Implicit also was an admission that a married woman was, to a degree at least, an independent legal entity, a potentially deadly strike at the Roman law concept of *Patria Potestas*.³¹ Still, the implication of equality and its reality are often far apart, as one hardly has to point out today.

This change in procedure does seem to parallel a growing independence for women in a number of areas, perhaps triggered by the demographic upheaval caused by the first wave of the plague.³² Be that as it may, it is clear that with the prosecution of women, the state was willing to involve itself much more deeply in family affairs. From the patriarchal perspective of the early Renaissance the male adulterer was the outsider breaking into the family unit, while the female adultress was being broken out of it. This is highlighted by the fact that the husband of the adultress was invariably seen as the victim, while the wife of an adulterer went virtually unmentioned. From such a perspective the prosecution of a male adulterer was relatively easy. He was the outsider whom the family could not control except perhaps through violence. The state therefore stepped in to discipline this interloper and preserve order. But punishing the woman was another matter entirely. There the government moved into the family itself—into a region where family discipline traditionally ruled.

As early as 1358 the Forty can be seen contemplating the prosecution of women for adultery. In that year Cataruzia, wife of Nicolò, ran off with Guilelmo di Vicenza to live with him as “his concubine and prostitute.”³³ Apprehended, Guilelmo was sentenced to four months in jail and a fine of 50 *lire di piccoli*. On that same day the Forty ruled that Cataruzia “be brought in and examined by the Avogadori.” This was so the Forty “could act as seemed just.” The ruling passed with seventeen votes in favor, thirteen against, and one abstention. Two days later the Avogadori recommended that Cataruzia be prosecuted for “running off and living with this Guilelmo . . . [and] leaving her husband with great shame for him.” The Forty, deeply divided—nine for, sixteen against, and one abstention—refused to take up the prosecution and she was released. Having contemplated action against a woman, ultimately they declined to act.

Change came gradually. In September 1360 a similar case moved the Forty to try a woman. Once again the crime involved adulterers running off, but with an element of violence as well. Francescino Robazio had broken into the home of Giovanni Filippo with the help of Giovanni's wife, Checha, and carried her off, threatening to kill Giovanni if he interfered. For his crime Francescino was fined 100 *lire di piccoli* and sentenced to two years in jail. The Forty unanimously agreed to Checha's guilt and ordered her beaten from one end of the Giudecca to the other. She lost her dowry as well.³⁴ Her corporal punishment is suggestive,

especially as it took place publicly on the island where she lived. In a way, it was a government-sponsored charivari, designed to induce correct behavior. Also, it harked back to the older forms of corporal punishments prescribed by the *Promissione Malificorum* for sexual crime by males.³⁵ One might argue that in stepping into the family's domain, the Forty felt compelled to go back to older forms of justice—significantly a type that in its corporality probably paralleled the style of justice within the family. Finally, of course, the whipping of Checha through the streets served as a formal announcement of a new aspect of government discipline.

Still, the early 1360s were a transition period. Although some women were punished, most were not. It is only in 1364, with the relatively unexceptional case of Margarita, a shoemaker's wife who ran off for a few days with Bartolomeo Rosso, that prosecution became the rule. Margarita was sentenced by the Forty to three months in jail and the loss of her dowry, a penalty roughly equal to that of Rosso.³⁶ After Margarita, women were regularly punished, generally with penalties similar to those for males—the woman's lost dowry often matched by a fine imposed on the male.³⁷ Corporal and exemplary punishment after 1364 remained rare for either sex (see Table 2). In sum, women had achieved relative equality with men, at least in the area of prosecution for adultery.

If the dowry was a consistent property issue in adultery, the illegitimate children of adulterous relationships sparked economic fears that cut as deeply. First, the raising of children itself was an expensive business. And as they matured, at least at the more substantial levels of society, a daughter's dowry or a son's share of the patrimony could entail considerable sums. To lose such wealth to someone not a member of the paternal family line was a property crime not to be countenanced. Again the state felt compelled to step in and sort out these matters. But society made an important distinction in illegitimacy. The illegitimate children of males frequently found an accepted place in the family; Venetian wills are full of references to "natural" children, and it appears that the illegitimate children of the nobility were frequently married into important families just below the noble class, creating alliances that worked to the benefit of both families. But the illegitimate child of a wife was not so well received, if even recognized. This was not entirely due to a double standard; again, property concerns entered the equation. The wife's formal economic stake in the family into which she married was limited to the use of her dowry. Presumably, few families were willing to commit that resource to the raising and nurturing of the wife's illegitimate children. Obviously, however, family honor and prestige in a society still patriarchal could not condone such a practice even if a dowry was large enough to support it.

The Forty followed this distinction directly; their policy was that illegitimate children were the responsibility of the father. An instance of this is to be found in a major case of noble adultery involving the Pisani and Soranzo families in 1476. Briefly, Elena Soranzo, wife of Alusio

Soranzo, ran off with Alusio Pisani, staying with him five months in a Pisani house in the parish of San Vito, then moving on to another house when her husband attempted to reclaim her. During that time she became pregnant by Pisani. Finally, apparently after all private pressure had failed, her husband brought the matter to the government's attention.³⁸

Faced with a crime that had many more social and economic aspects than sexual, the Forty proceeded with a moderation and completeness that seem reminiscent of Solomon. The anticipated birth created the major immediate problem; thus, they ruled that "because Elena Soranzo admits that she is pregnant by Alusio [Pisani], he must pay the expenses of the said Elena until the time of the birth, then he must bring up the child born as his own and pay for its expenses and upbringing."³⁹ Even while Elena was carrying her child, she was the responsibility of her lover, not her husband. The patrimony was not to be invested in the child of another, even in utero. Once she gave birth, however, Elena again became the responsibility of her husband, who was required by the Forty to provide her with 20 ducats a year "for food and clothing" while she was confined at the convent of Sant' Andrea. The confinement was "in place of jail" and was clearly intended to keep this noblewoman out of that unseemly environment while still punishing her. After two years she was to be freed, while continuing to receive her 20-ducat stipend. Apparently the Forty assumed she would live alone unless a reconciliation occurred, adding with hope: "However, if her husband nonetheless should wish to have her back and she should be willing to accept . . . she would be freed of all penalties." If, however, "she continues to live dishonestly . . . she will lose her 20 ducats yearly and her dowry as well."⁴⁰

Elena, even though she had flagrantly violated the norms of society, was handled very gently by the Forty. There were too many important people involved to risk heavy-handed action. The illegitimate child, confinement, and maintenance had to be carefully considered and settled, but penalties were restrained. In fact, the Forty had a great deal of trouble even getting enough votes to convict her lover and managed to sentence him to a mere three months in jail and a fine of 100 *lire di piccoli*. The minimal nature of the penalty was underlined by the stipulation that he could finish his current term of office before he began serving his sentence.⁴¹

Though such leniency made political and social sense to the Forty, its disciplining effect was minimal. Five months later, after the birth of their child, Pisani was back before the Forty, this time for carrying off Elena from her convent and having sexual relations with her again. But he was defended by a lawyer, and the Forty voted not to prosecute him.⁴² Apparently, with Elena's marriage clearly ruptured and the economics of the break decided, with her illegitimate pregnancy no longer a question and the child taken care of, the matter of the couple's continuing passion seemed too trivial in itself and too explosive in its broader implications to warrant a stand by the Forty.

Most cases involving illegitimate children were considerably more humble. Maria, for instance, was accused by her carpenter husband, Paolo, of having had sexual relations with many men and especially Domenico Albanese, a noble's servant. Her penalty was a mere four months in jail plus the loss of her dowry. But as she was pregnant, the Forty decided that "in addition, the male or female child born to the said Maria is to be brought up by Paolo her husband just as fathers do for their own children, because she is pregnant by him and this she confessed."⁴³ It is curious that lacking other evidence, the Forty regularly relied on the expectant mother's testimony as to paternity. Clearly, paternity had to be established to settle the property concerns of adultery, and apparently the Forty felt the mother-to-be was the most qualified to judge.

A case from 1460 suggests, however, that this faith was not merely a handy legal fiction to assign responsibility. Francesco Zonfo had had an affair with the wife of Giovanni Picenino, which went unreported and unprosecuted. Later she gave birth to a boy, whom Francesco believed to be his son. The matter came to a head when he "entered the home of the said Giovanni, went to the bed where [Giovanni's] wife was and demanded that she admit that she had given birth to the said child by him. She denied him . . . because she gave birth by her husband."⁴⁴ Even while being beaten by Francesco, she continued to claim her son for her husband. Exasperated, Francesco kidnapped the child and beat up her husband as well. Perhaps her continued claims that the baby was her husband's were self-serving, but even under physical duress when her affair was no longer a secret, she claimed to know the identity of her child's father. And again the Forty, at least, took her at her word. The child was treated as the son of Giovanni, and Francesco was sentenced for kidnapping and assault.⁴⁵

Illegitimate children, however, could be more than a potential drain on the patrimony, that is, more than a mere property concern. Francesco was not worried about losing money; he was worried about losing a son. And that opens up a yet broader vista on adultery's dangers in Renaissance Venice. Family values were regularly intertwined closely with property values. Once again the Forty was prepared to step in to preserve the family structure as well as property, if possible.

In 1413 the noble Pietro Malipiero, for example, carried off Giovanna, wife of Giacomello Fromaco, and lived with her as his wife. When Giacomello finally located the couple, he called in governmental aid in the form of the Avogadori. The apparently simple issue was complicated, however, when Pietro claimed before the Forty that Giovanna was actually his wife. In turn, that claim was compounded because Giovanna was pregnant by Pietro; thus, the issue escalated from mere adultery to a question of whether Pietro Malipiero and his noble family were to have a legitimate heir. Deferring to a higher authority, the Forty left the question of marriage to the Church, but ruled that Giovanna must remain in Pietro's home at his expense until she gave birth. Essentially, the govern-

ment settled the immediate familial problems by stepping in to organize their lives so that the baby would be born in relative tranquility. The government attempted to chart a course that would eventually reconstitute a family unit.⁴⁶

On a more humble level the Forty intervened to discipline the family life of Francesco and Gitinata di Malse. Francesco had sent his wife to work for Marco dela Stava to pay off a debt. Marco convinced Gitinata to pay in sexual coin. Eventually, she decided to stay on, living in peace with Marco and his wife. Francesco attempted first to settle the matter privately, but failing that, he turned to the state. After reviewing the matter, the Forty ruled that Gitinata should be returned to her husband and that Marco should pay a fine of 100 *lire di piccoli*. To make their settlement more likely to work, they also ruled that if Marco saw Gitinata again, he would be fined 25 *lire* for each time. The penalties were not major; Marco paid his fine immediately, according to a note in the margin.⁴⁷ Yet the Forty brought Francesco's family back together, set up a procedure to help protect it, and in the process reduced Marco's atypical family relations to a more normal style.

Francesco's monetary problems, which triggered his wife's affair, suggest the strains that urban life created for traditional family life, especially at lower social levels. In a way, the same stability that made the family an ideal social unit in the fluid context of urban life also made it more vulnerable. As a port town Venice seems to have been spared few of the difficulties that threatened family life. Adulterous relationships frequently sprang up while husbands were off with the city's fleets,⁴⁸ away from home for their work,⁴⁹ or, as we have seen, in prison for debts.⁵⁰ At times there appears even to have been some social sensitivity in the Forty's handling of such cases. For instance, in 1426 when a boatman named Pietro caught his wife in bed with her lover, the Avogadori reported that the problem began when he "left Venice with his boat in order to earn money as many poor men do."⁵¹ The implication is clear: Pietro, as a poor man, was unable to discipline his family. Thus, the Forty stepped in and made their sympathy more than rhetorical by requiring his wife's lover to supply a dowry for Pietro's daughter in addition to the moderate penalties imposed on the lovers.⁵²

Yet, even nobles could at times fall victim to similar problems. Nicolò de Molin, a noble merchant, for instance, saw his wife and Antonio Zaratino tried before the Forty for a long affair conducted during his absence. Unlike many of Venice's wealthier merchants who had become more sedentary investors than world travelers,⁵³ Nicolò had spent considerable time living and trading in Flanders in the early years of the fifteenth century. The results were devastating for his marriage, as the Avogadori reported: "When the noble Nicolò de Molin, son of the deceased Michele, left Venice and went to Flanders as many merchants do, the said Antonio entered his home . . . and had sexual relations with lady Sorda-

mor his wife. After that he associated carnally with her at will, which resulted in the birth of a girl. Moreover, he kept the said lady Sordamor for many years at his place."⁵⁴ To a great extent Nicolò's family had ceased to exist. The couple made that clear when, threatened with prosecution, they fled with their child. Of course, we might contend that the family had ceased to exist when Nicolò stayed on for years in Flanders.⁵⁵ Such behavior, however, was expected in Venice. Even if it was becoming less the norm, the merchant-venturer was a positive and important self-perception of the nobility. A noble wife living with and eventually fleeing with her non-noble lover clearly was not.

Still, it is interesting to speculate on the impact on family structure of the long absences of those nobles who lived the merchant-venturer ideal. The easiest assumption would be that many more cases like that of Sordamor could be found. In fact, very few were prosecuted. The silence of the criminal records, especially at the upper social levels, however, does not make a particularly strong argument for the absence of criminal activity. More important, noble families were a part of larger clan structures of varying strength and cohesion. Absent husbands did not normally leave their wives free from family discipline and control. What is most striking about Sordamor's case is that she could abandon her home, live with her lover "for years," and produce a child without the de Molin family stepping in to protect Nicolò's interests. In fact, this may explain his unusual commitment to the venturing style of commerce: He may have been a marginal member of his clan, forced to go out in the more aggressive manner of earlier traders because he lacked the family capital and support to stay at home and invest in trade.⁵⁶

Ultimately this must remain speculation. Yet it is clear that Nicolò de Molin's larger family connections did not function to protect his interests, and the uniqueness of the case suggests that at the noble level that family failure was unique also. As we shall see, noblewomen were seldom prosecuted for adultery, even less often involved with non-nobles, and virtually never allowed to live openly for long periods with a non-noble lover. Sordamor's case was, then, the exception that proves quite a different norm. Noblewomen whose husbands went trading were still very much within the discipline system of a larger family structure that guaranteed the family's survival.⁵⁷

At the lower social levels, in the absence of such clan structures, adultery must have been a fairly prevalent aspect of urban life. That life also offered a wider range of contacts, generally in the context of neighborhood, with the potential to lead to adultery. The necessary contact, however, could at times be limited. When Endregeto Arpo developed a passion for his neighbor Caterina, wife of Giacobello, a stonecutter, he proceeded directly and abruptly to his goal. He enlisted the help of one of his female servants to lure Caterina to his house, where he locked himself and his mistress-to-be in a room. They emerged lovers as well as neighbors and

continued their relationship regularly at her home and his.⁵⁸ Unfortunately, there are not enough cases where the addresses of both partners in crime were recorded to prove that neighborhood was the normal context, but the limited reportage supports that assumption.

Along with neighborhood, occupation and friendship regularly seem to have provided the contacts that initiated adultery. Again, reportage is not complete, but a case like that of the goldworker Francescino Mozzo is as typical as the reportage is laconic. Francescino frequented the home of Andrea Piaceri, "his business partner." Such domesticity allowed Francescino to become familiar in a progressively more criminal sense with his partner's wife. Eventually they ran off together, in the process breaking two partnerships.⁵⁹ In the case of a certain Gasparo and a dyer named Pietro, friendship rather than business was the key, as the Avogadori took the time to point out: "The said Gasparo had a great friendship and fraternal relationship with Pietro di Francia . . . with him he ate and drank."⁶⁰ But their friendship came on hard times when Gasparo took advantage of the situation by seducing Pietro's wife and finally running off with her. Though the treachery of Gasparo's behavior to his friend was featured in the case brief, the Forty responded with moderation, sentencing Gasparo to four months in jail and a fine of 50 *lire di piccoli*.⁶¹ Apparently the betrayal by friends or business associates, though occasionally noted ruefully, was not normally a criterion for much more serious penalties.

Neighborhood, occupation, and friendship provided the context for adultery especially at the lower social levels, demonstrating that the noble ideal of isolating married women was unattainable for the more humble. As sex crimes like rape suggest, in families at the artisan level and below, women were much more visible in the neighborhood and in the business contacts of males.⁶² It was still clearly a male-dominated society, but reports of sex crime reveal that in the lower ranges of the social scale female activity outside the home and family was much more prevalent.

The social dimension of adultery reveals a blend of Boccaccio's vision of fairly equal relationships between social peers and a double-standard relationship in which males went down the social scale to find females willing to consent to their advances, more for reasons of power than for reasons of sexual attraction or affection. Noble males, as one might expect, were most prone to this latter type of crime. In their defense it should be noted that noblewomen were probably more successfully disciplined by their large, clanlike families; thus, adulterous relationships for noble males may have been more easily found at lower social levels. Wealth, status, and power certainly did not greatly hamper their chances of success. In fact, it may have made some husbands willing to ignore or even profit by their wives' affairs. A case from 1370 is suggestive. The noble Andrea Valier was paying a carpenter, Marino Mozo, to work at night on a mill he owned. His unusual working hours make more sense when one understands that while Mozo worked, Valier played with his

wife. Why the case came to the courts is not clear, but the Forty responded with minimal penalties. They sentenced Valier to two months in jail and a fine of 100 *lire*.⁶³ They did not get around to sentencing the wife, Caterina, for a month and a half. As both adulterers were normally sentenced the same day, it appears the Forty was unsure that the woman really warranted a penalty at all; but finally they sentenced her to a minimal two months in jail with no mention of the loss of her dowry.⁶⁴

Even more substantial husbands could be involved in such situations. Gasparino Ugolini, a velvet maker of enough status to have received social visits from the noble Nicolò Contarini as well as employment from him, found that not all of Nicolò's attention had been a result of respect for his craftsmanship or even for friendship. In 1432 things came to a head when Contarini invited him to Padua to work on a project there and asked him to bring his wife as well, planning to employ, as it were, both halves of the couple.⁶⁵ Once again the husband was victim and beneficiary of a noble's sexual predilections.

Significantly, the reportage of noble adultery with peers was rare. The question immediately arises: Was the activity, in fact, rare or was it merely seldom reported? One might expect that such crimes would be under-reported because the nobility would not be eager to air these matters in public. Yet the prosecution of crimes like assault and verbal insult imply quite the opposite. Overlooking such crimes could well lead to factioning and turmoil within the ruling nobility; thus, they were closely monitored and carefully disciplined by the state.⁶⁶ The Forty, as a large group of noble peers, were considered ideal to settle such concerns publicly and to inform all involved that their compatriots considered further conflict between families unnecessary. Adultery might seem to require a similar approach. A trial before the Forty would put the noble families involved on notice that with public penalties imposed, the matter was settled.

Unfortunately, there is little evidence to test this logic. A case from 1416 involving the Querini and Bono families reveals primarily the rich ambiguity of the situation. Officially, Tomaso Querini was convicted of carrying out "many dishonesties" with Maria, wife of Roberto Bono. That those dishonesties were serious is strongly implied by the severity of the penalties imposed: Tomaso was sentenced to eighteen months in jail and a fine of 500 *lire di piccoli*. But when it came to describing just what those dishonesties were, the Avogadori were both verbose and uninformative: "This ser Tomaso met in a public street the lady Maria, wife of the noble ser Roberto Bono . . . on the way to the home of the noble ser Marino Pasqualegio. This same Tomaso Querini without shame, in contempt of the weight of censure and the dishonor to the aforementioned ser Roberto Bono, presumed to follow the said lady and on this public street took from her hands a handkerchief, carrying it off with him. As a result of this deed the said Tomaso entered the home of Roberto many times during the day and night and committed many dishonesties

with this lady with the highest dishonor for ser Roberto."⁶⁷ Focused on the detail of the theft of a handkerchief, their description leaves one wishing for a clearer explanation of the dishonesties that required such a stiff penalty. Yet the handkerchief incident should be seen as central; it was the means for leaving no doubt about the nature of Tomaso's crime without actually acknowledging the issue formally. That courting gesture made clear what Tomaso was doing all those nights and days at Roberto's house. Thus, with a fine attention to detail, the Avogadori actually said nothing untoward, while proving a case of noble adultery. And significantly, in presenting their case they revealed virtually nothing but publicly known facts; noble adultery here became literally a crime of manners.

Clearly, the nobility was not eager to make public such crimes. At times they were too public to overlook. But normally it seems that adultery was so minor in its sexual aspects, yet so potentially dangerous in its social implications, that it was a crime the nobility found best not to discover—even as in the case of Tomaso when it was being tried. Still, it is important to take into account that the males of the nobility had so many other sexual outlets that dangerous sexual liaisons with the wives of their social equals could easily be avoided. Thus, low levels of prosecution may well reflect several virtually contradictory factors: an unwillingness to prosecute the crime, a reluctance by noble males to initiate such crimes, a difficulty in freeing noblewomen from clan discipline, and an extreme caution in pursuing such affairs.

Paradoxically, as a result of such social concerns and sensitivity, noblewomen found themselves essentially marginal members of adulterous society, an ironic reversal of status for any noble. But tellingly, as the fourteenth century wore on, noblewomen began to take a more active role in their sexual affairs, breaking free to a degree from clan discipline and their stereotype of cosseted and closeted passivity. The number of noblewomen prosecuted was never large and their punishment remained severe, but the details of their cases indicate their growing freedom of movement and independence. In the early 1380s Catarucia, wife of the noble Marco Zane, had a long affair with a non-noble spice merchant, Zanino Ursio, and eventually ran off with him. In economic terms Zanino was not far below Catarucia, as spice merchants were frequently quite well-to-do and her husband was not.⁶⁸ Socially, however, the gap was large, which the Forty's penalty highlights. Zanino was sentenced to a year in jail and a fine of 150 *lire di piccoli*. But Catarucia as a noble wife, having broken across social lines and threatened established stereotypes, was sentenced to two years in jail, an unusually long term for a noble, especially a noblewoman.⁶⁹

The lovers had fled, but eventually they were captured and sent to jail. After Catarucia had served a year of her term, however, the Major Council took pity on her and in November 1385 passed a *gratia* that offered her release when she had paid a twenty-*lire* fine to cover the cost of the

reward for her arrest. In a suggestive moment of female solidarity, Cristina Dandolo, a noble neighbor, paid the fine in her own name to secure Catarucia's freedom. Cristina had the money independently to effect her friend's release—another indication that some women were capable of acting on their own in a male-dominated society.⁷⁰

Noblewomen occasionally continued to find non-noble lovers, but they tended to be men of substance with the ability to associate socially with their superiors. If noblewomen had affairs with lesser men, they went unreported, presumably because noble families preferred not to make such matters public and had more than sufficient power to settle things privately to their satisfaction. The case of Carlo Bomben was typical of those affairs that made it to the courts. When Bomben was prosecuted in 1441 for a long liaison with Blanca, wife of Pietro Bembo, he was reported to have been a close friend of Bembo's, coming and going "like a brother" in his house.⁷¹ Pietro, member of a powerful and noted Venetian family, was clearly not a man to be taken advantage of lightly; nonetheless, Bomben went ahead and the affair became public when he and Blanca ran off together, taking a considerable amount of property.

The Forty once again responded with severity. Carlo was sentenced to two years in jail, fined 1,000 *lire*, and required to return all the goods taken. In addition he was banned perpetually from Blanca's vicinity under penalty of six months in jail and yet another 1,000-*lire* fine for each time he broke the ban.⁷² Blanca was also sternly punished. The Forty ruled that she serve one year in jail and a second in a convent. Her dowry was to go to her children but with the stipulation that her husband retain the use of it while he lived. In sum, this was a case too public to be dealt with privately, involving a family so notable that truly major penalties were required. At the highest levels of society, adultery when prosecuted remained a most serious crime. And when noblewomen broke the stereotype by reaching down the social scale, a stern response was warranted. Still, by the standards of other societies and other times where corporal punishment or even execution were used for such crimes, Carlo and Blanca escaped rather lightly.

Of course, noblewomen were not the only females to look down the social scale occasionally for lovers. As the fourteenth century drew to a close, more substantial women were finding socially inferior admirers, although again, the numbers prosecuted were never large. This suggests that at least some women were breaking through traditional taboos with a more aggressive sexuality. Margarita, wife of Antonio, a master candle-maker, demonstrates an almost total reversal of traditional stereotypes. Classically it was the male who took advantage of servants or other female members of the household for illicit sexual outlets. Margarita, in seducing three of her husband's young workers—Zanino, Blasio, and Prunio—followed the tradition but switched the sexes. With a fine sort of disciplining calculus, the Forty sentenced Margarita to eighteen months in jail and

each of her three lovers to six.⁷³ Medieval moralists and commentators frequently referred to the stronger sex drives of women and the danger of that sexuality for men seeking to be chaste. The few cases like Margarita's that begin turning up at the end of the fourteenth century in Venice can hardly be pointed to as proof that this vision was not just another aspect of medieval misogyny. Yet there has been a virtually equal misogynist bias that female sexuality up to the modern period in the West was uniformly passive almost to the point of being asexual. Margarita's case and much of the Venetian evidence demonstrate that sexual matters were never that simple. Women as well as men went outside their marriages to find sexual satisfaction often at considerable economic and social risk.

This willingness to face the risks implied by an adulterous relationship raises one final question: Was the adultery purely a search for sexual outlets or were the participants seeking something more—perhaps affective relationships? It has been asserted that the property nature of marriage and the considerable age differential between spouses meant that there was little potential for affectionate marriages in the premodern West. Recent scholarship has begun to moderate that claim. Lawrence Stone, discussing England in a later period, has argued that affective marriages arose among the upper classes and spread downward, notwithstanding the continued importance of property and age differential.⁷⁴ But even for the Renaissance there is considerable logic in the position that marriages arranged for property, political, or social considerations did not necessarily exclude affection. In fact, those very considerations usually meant that both partners came from common backgrounds and shared similar assumptions about their marriage, which could well have contributed to the marriage's success. Even the absolute submission of the will of a thirteen- or fourteen-year-old girl to the control of a thirty-year-old man—troubling as it may be—when placed in the context of carefully prepared expectations had possibilities for the development of a perhaps different but still affective relationship.⁷⁵

The adultery records demonstrate repeatedly that at least some people expected a certain level of affection in marriage or were prepared to change their marriage situation to secure such a relationship. And the Forty's mild penalties may imply some sympathy toward such feelings. The case of Bartolomea Benato's affair with her doctor provides an indication of such expectations along with an interesting moment of Renaissance medical quackery. Bartolomea's involvement with Antonio di Milano, a doctor noted for his cures of feminine problems, began when she sought his help for a complaint not strictly medical. Her concern was that her husband, a goldworker, had eyes only for prostitutes. Antonio promised a cure, but only for a steep fee of ten ducats. After considerable dickering they agreed that she "would give master Antonio four ducats on the condition that if her husband did not come to admire her, the money would be refunded."⁷⁶ Clearly, for Bartolomea an important part of her

relationship with her husband was sexual, but as time went on, the broader context of "admire" became more apparent.

Antonio's approach relied heavily on sympathetic magic. He gave her herbs to wear around her neck, place under her husband's pillow, and hold in her hand when in bed. In addition he prepared three vials of liquid, one to be hidden near the bed and the other two to be given to her husband in his food. The bedroom orientation suggests that the problem was viewed as largely sexual. Yet when his remedies produced no results except Bartolomea's continued complaints, Antonio suggested that "he did not know another remedy unless she would go and stay with someone else for enough time to rekindle her husband's affections."⁷⁷ Perhaps not worth four ducats, this absence-makes-the-heart-grow-fonder cure won Bartolomea's support. Implied, as her husband already had sexual outlets, was that her leaving would strike a deeper range of feelings.

Bartolomea accepted this logic and apparently the Forty did too. Convinced that her husband would eventually be won back, she allowed herself to be set up in a house as Antonio's daughter, where eventually he committed "a thousand dishonesties" with her. The Forty found Antonio's "playing doctor" when he was a legitimate doctor most reprehensible, responding with one of the stricter penalties for adultery; but they absolved Bartolomea.⁷⁸ Apparently they believed that her running off from home was aimed at regaining her husband's affections and that Antonio had taken advantage of her. In sum, they too accepted the logic of the argument that a husband might miss his wife, even if his sexual needs were met elsewhere.

More typically, however, adultery cases reveal couples seeking affection outside of marriage, presumably, in part, because they had not found it there. In other words, many seem to have felt that relationships between men and women should have an affective component. Moreover, in distinction from the adultery ideal of courtly love, a significant number sought to put their relationships on a level where they could at least appear to live together as husband and wife. In a society where affective relationships in marriage were not perceived as meaningful, it is hard to imagine couples facing the strictures of society and government to set up such relationships. Typical of this behavior was the adultery of Vasilio di Trebisano and Domenica, wife of Giorgio Moscho, a tailor. When Giorgio left his wife to sail on a spice galley, Vasilio and Domenica took advantage of his absence to set up housekeeping in a different district of the city and lived "for many months" claiming to be husband and wife.⁷⁹ For a mere sexual relationship, especially with Giorgio absent, such elaborate deception was unnecessary. Yet many followed a similar pattern.

Love before the fifteenth century, however, is seldom mentioned in the language of these cases. That is not to suggest that affection was not a factor; rather, it implies that love and affection were not necessarily equated. Love, as we have seen, was normally perceived as a dangerous

and disorienting emotion—one, it might be argued, that was not particularly suitable for marriage. Thus, in a way, the failure to associate love with adulterous relationships that were long-lasting and apparently affective may actually have reflected the perception that such affairs were not mere matters of “mad passion.” By the mid-fifteenth century, however, much as in fornication cases, love had come to play a role in the Avogadori’s summation of certain adultery cases. When in 1456 Angelo Vignati ran off with a builder’s wife, the Avogadori pointed out that “at that time Agnesina, wife of the builder Bernardo, loved this Angelo and Angelo loved her.” The time sense was most important. Love as a disorienting or mad passion was of limited duration; thus, in cases of love it could be hoped that lovers would eventually return to their senses and their correct familial places. Agnesina’s penalty reflects this perception nicely. She was sentenced to six months in jail and the loss of her dowry, *but* if her husband agreed to take her back and she was willing to return to him, she was to be freed from jail and regain her dowry. Love, which had broken her marriage “at that time,” was clearly seen by the Forty as transient.⁸⁰

Significantly, the shift to references of love in such cases was associated with a growing emphasis on this type of penalty. If partners were willing to overlook the damage that love had wrought, the Forty seemed to think the marriage could be reconstituted without external discipline. The issue, however, was not posed in a purely masculine or familial manner. Usually both man and woman were required by the Forty’s sentence to agree to the reunion. Once again, this seems a startling indication of the growing power of women, at least within the family. Even in those cases where the woman’s will was not formally consulted, her welfare was considered. For example, in 1444 when the wife of a goldworker was sentenced to four months in jail and the loss of her dowry, the Forty provided the option that “if her husband wants her and he treats her with kindness, she is to be released from jail and given over to him.”⁸¹

The consideration of a wife’s desire to return to her husband or the “kindness” of his treatment of her seem distant from the pre-1360 modes of punishing adulterous wives that relied on the private disciplining of women within the family. Of course, we must assume that much discipline was still private. Yet, with their prosecution for sex crimes women had gained a certain legal status and to a degree an informal protection as well, *if* they were willing to conform to their placement in the family that societal norms demanded. A step ahead? That would be a difficult value judgment to make, but we can assert it was at the least a significant change.

The association of violence with adultery seems to imply once again that deep emotions could be, and often were, associated with the deed. It is difficult at times to separate the violence of honor from the violence associated with love or jealousy, but there are enough cases that seem triggered by the latter to support the contention that for many, adultery

and marriage involved much more than a sexual connection. A typical instance of intense emotions and strong attachments growing out of adultery can be seen in the prosecution of Giovanni Sarasa in 1447. Giovanni had attacked Teodoro di Corfu, husband of his mistress, striking him so hard from behind with an unnamed weapon that according to the medical report, he cut through almost to the front of his victim's body. Before the attack Giovanni had enjoyed the sexual favors of his victim's wife, Lucia, "for a number of years." Lucia's husband, however, finally discovered the affair and beat her for it. Giovanni, enraged over the beating of his mistress, climbed a wall into the garden of Teodoro's house, weapon in hand. He confronted Teodoro with threats and insults and chased him into and through the house to the street, where he struck him down from behind. The lovers then ran off together.⁸²

Obviously, this was no light-hearted affair. Giovanni was no upper-class exploiter of a lower-class woman, content to leave his lover, discovered, to her fate. In fact, Giovanni's protective impulse and rage came dangerously close to murder. Teodoro survived, however, and Giovanni's penalty was, considering the crime, a mild eight months in prison plus a 300-*lire* fine along with the typical demand that all goods taken be returned.⁸³ If Giovanni's blow had produced the result it should have—Teodoro's death—it would probably have resulted in Giovanni's death as well at the hands of the Venetian authorities.

Unfortunately, the number of murder cases growing out of adultery-triggered emotions is impossible to reconstruct for the fourteenth and fifteenth centuries. Murder was handled by both the Avogadori-Forty and the Signori di Notte-Giudici di Proprio.⁸⁴ The former dealt primarily with cold-blooded, planned crimes, the latter with violent explosions of passions similar to Giovanni's. But the records of the Signori do not continue with consistency beyond the fourteenth century. More significantly, because their case reports concentrated on the immediate emotional antecedents of murder, normally long-term factors were overlooked. As a result, Giovanni's attack on Teodoro probably would have been formulated as a quarrel over wife beating that exploded into murder.

Occasionally the adulterous context of a homicide was recorded, usually because it was the discovery of the adultery itself that led to the explosion of emotions and to murder. Bartolomeo da Ziliolo murdered his wife, for instance, after catching her one morning in a compromising state with her lover in the kitchen. After chasing the man to no avail, he returned home and killed his wife.⁸⁵ Jealousy, outraged honor, simple rage—the Signori di Notte give us few clues. For them it was enough to chronicle the emotional explosion that led to murder.

Significant, however, is the fact that lost honor was not in itself an excuse for murder in adultery cases. Bartolomeo was tried for his deed as were many others. Even nobles like Domenico Grimaldi were prosecuted for such crimes. In 1441 the body of a young noble, Francesco Bembo, was

found on the bank of a canal near a boatbuilder's shop across from the Church of Santa Caterina. According to the medical examiner's report, he had been killed by a blow to the head even though afterward he had been stabbed in the heart. The matter was thought to be so serious that when the Signori di Notte failed to turn up any information, the Avogadori stepped in to examine the evidence more closely and issued a public call for evidence. Finally it became clear that Grimaldi had been involved, but as he had fled the city, he was unavailable for questioning. Undaunted, the Avogadori had Grimaldi's wife brought in for interrogation. She finally broke down and confessed that Bembo had been her lover. When her husband caught them together in a compromising moment, he killed Bembo. Some debate ensued on whether or not the crime was a "pure homicide." Its "purity" hung not on its being a legitimate act of vengeance, however, but on whether it had been rationally committed.⁸⁶ This was the traditional distinction of Venetian justice between passionate murders and rationally committed ones. Both required punishment. The defense of sexual honor, especially noble sexual honor, might mitigate the penalty for murder if carried out in an immediate explosion of emotions, but it did not eliminate it as in the modern stereotype of "Divorce Italian Style." In Grimaldi's case his penalty was typically stern. He was banned perpetually, and because he had already escaped Venetian justice, if caught he was to be taken to the scene of the crime, where his hand was to be cut off and hung around his neck. Then he was to be taken between the columns of justice and decapitated.⁸⁷ Clearly, neither offended honor nor jealous rage excused his crime.

The penalties for adultery, however, were typically restrained and ameliorative throughout our period—for both men and women. Unfortunately, we cannot compare their penalties precisely because, as noted earlier, women regularly forfeited their dowries in addition to the other penalties imposed by the Forty. At the upper social levels, that loss could be very expensive. It appears, however, that at least at the lower social levels fines or jail sentences were balanced with the forfeited dowries to make penalties roughly equivalent. Unfortunately, this cannot be proved without the dowry figures that were not reported. It probably should be assumed that if the equality of the penalties had broken down, it would have been slightly to the male's advantage. But only a slight inequality in penalties for women is a surprising indicator of female status in patriarchal Venice.

Looking at the penalties for males in Table 2 (which, if the above analysis is correct, should roughly reflect female penalties also), we find once more a very moderate pattern of punishment. Only about 8 percent of the adultery sentences in the period 1326–1475 could be typified as substantial or worse, while more than a quarter of the penalties were minor. In fact, a full 86 percent of all penalties fall in the moderate range or below. A comparison of the fourteenth century with the fifteenth

reveals considerable continuity in punishment. The range remains much the same, but the fourteenth century had a higher concentration of minimal penalties. This again reflects the fact that in the second half of the fifteenth century lesser cases were being handled by lesser councils. Thus, as in fornication, the bottom of the scale dropped out in the fifteenth century. Nonetheless, penalties remained restrained throughout the period.

Once again the Forty seemed to be concerned not with eradicating a moral vice but with reconstituting the family unit and protecting property. Adultery was disciplined, but aside from an occasional flash of rhetoric in the law or the trial records, that discipline does not appear to have been aimed at eliminating the crime. Adultery was an aspect of sexual life that perhaps more than any other functioned as a safety valve for a society in which marriage and marital values melded only imperfectly with social realities. To a degree, marriage was too central an institution in Renaissance society to work consistently—perhaps a situation not so rare as those who seek to find an inner logic in society and culture might assume. As a nexus of many concerns—social, economic, emotional, and even political—it is perhaps surprising that marriage worked at all. It simply had to carry the burden of too many of society's often conflicting needs.

That marriage at times would break down under stress was to be expected. The Forty stepped in to discipline those breakdowns with an eye to protecting property, maintaining social distinctions, and keeping women placed in a society where marriage was virtually required for adult females. In the disciplining process the Forty revealed several factors that put additional pressure on marriage: a certain independence for women in sexual matters, especially at the higher social levels; a search for affection either within marriage or outside it; and in the fifteenth century, at least, a growing emphasis on the "mad passion" of love. Yet all these strains on the institution did not destroy it. Male-female pairing, though not always bonded by strong sexual ties or even strong ties of affection, was too important a social, cultural, and perhaps human reality to be destroyed by the pressures of urban life. Paradoxically both adultery and government discipline of adultery helped marriage to survive as an institution.

IV

Sex Crimes against God

“Nothing human is alien” might be considered the underlying theme of Renaissance culture both secular and religious.¹ But there was a corollary in the mood of the age never so explicitly articulated that capped the sentiment—“and everything is at least to some degree human.” This humanization of the world picture dips well back before the Italian Renaissance, finding its roots perhaps in the renewed *bios* of the twelfth century. But in the new culture of Italian urban merchant-banker elites, it flourished. Without the ontology of the Great Chain of Being and without the complex metaphysics of the scholastics, the Renaissance merchant-banker knew, albeit with a certain angst, that he was the measure of all things.

This is not to suggest that the Renaissance was a secular age. That anachronistic thesis of the Enlightenment is too battered to revive. Rather, religion too was measured in human terms by the Renaissance merchant-bankers. Their wills, for example, show a shrewd investment in piety, with charitable bequests and masses for their souls keyed to perpetual returns on investments or even interest on loans. It was natural then that God too would be measured by man. The end product of this measuring may be the mythic vision of Hermes Trismegistus, in which God created man because he had fallen in love with nature and man became the means by which God could experience his own creation. In this vision man became even for God the measure of all things.

Such a vision in its hubris seems alien today, accustomed as we are to stress the distance in the dialectic between God and man. But to the merchant-banker of the Renaissance city, God was much closer and more familiar. Ironically, sex crime in Renaissance Venice demonstrates this closeness most innocently. For God figures prominently and personally in the Venetian perception of an unusual category of crime—sex crimes against God.

To the modern sensibility the following four crimes might seem only vaguely related and sacrilegious, but to Venetian eyes they were all crimes against God, which injured him in a personal way. In 1442 Giacomella, wife of a clothworker, was prosecuted for adultery with the priest of the Church of the Apostles. Her crime was not a casual flirtation. She had left her husband four years earlier to live with her priest and had presented him with two sons before Venetian justice interfered.² That same year the reverse of Giacomella's crime was prosecuted: A miller named Carlo had had a long affair with the abbess of the Convent of San Maffeo, which came to light with the birth of a child.³ Three years later a young noble, Enrico Dolfin, was convicted of fornicating under the organ in the Church of San Barnaba with "a poor little prostitute" named Margarita.⁴ And finally, once again in 1442, a Jew named Zacharias was tried for his relationship with a young Christian girl, Antonia, the adopted daughter of a master craftsman. Zacharias had become a friend of the family's and eventually talked the girl into an affair, which came to public attention only when, in the words of the Avogadori's summation, Antonia "effecta est grvida"—that is, "she was made pregnant."⁵ Each of these crimes was investigated by the Avogadori and prosecuted by them before the Forty as a crime that was sacrilegious and injured God.

This formulation of crime was not haphazard. The Avogadori consistently applied such labels to sexual activities that involved members of the clergy and lay people, occurred in holy places, or mixed Christians and Jews. Their summations of these cases suggest that it was the injury to God that was the central issue. The crime of Zacharias with a Christian girl, for example, had several potential areas of emphasis. His mistress was referred to as a child (*puella*), thus making the crime more serious than usual. There was also, of course, the simple issue of fornication. Even the religious issue might have been formulated in a number of ways. But the Avogadori chose to focus on the crime's being "in contempt of God and in denigration of our faith."⁶ Expanding this same theme, the Avogadori charged Enrico Dolfin, for his fornication under the organ in church, with having "too little considered the injury and offense which he occasioned for our supreme creator by committing such dishonest deeds in a Church dedicated to Him, God, and his honor and reverence."⁷ But for Carlo, the seducer of an abbess, the Avogadori reserved the full weight of their rhetorical indignation as they struck the major chords of sex crimes against God. Carlo was chastised for having "totally forgotten the fear of God and our government [and having] too little considered how much injury he caused our highest creator by attempting and doing such things against nuns, his brides." They summed up this injuring of God as both sacrilege and incest.⁸

This perception of sacrilege hinging on a vision of God's being injured by sex crimes involving nuns, priests, Jews, or even an ecclesiastical setting was quite unusual in the context of Venetian criminal practice. As

we have seen, the language of the Avogadori described most sex crimes as secular affairs that disrupted the family, government, or society, with occasional reference to particular individuals and their loss. Honor was the most abstract concept regularly referred to, occasionally even the honor of God. But such honor was distant and abstract. Turning one's back on God or not keeping him before one's eyes—language also found in sex crimes against God—was merely a traditional means of referring to the culprit's state of mind and implying that he or she had acted evilly. Yet, as we have seen, such language usually was presented in the context of other transcendent ordering principles such as law or justice or the state. God was one abstraction of a disciplining trinity, not a personal deity being injured somehow by a specific sexual act.

In such cases perpetrators were accused of losing sight of the required "reverence" and "fear" due God and thereby offending his "honor." But here the honor was much more concrete. Fornication with nuns, the "brides of Christ," literally put Christ in the same position as any other cuckolded husband. The Avogadori pointed out this loss of honor and injury to God in a specific manner that set these crimes apart and above the normal run of sex crimes.

Significantly, this vision was not static. Rather, it evolved in complexity from the fourteenth to the fifteenth century, at first following fairly closely the development of language in other sex crimes, but in the fifteenth century moving on to follow a dynamic apparently its own. This evolution is clearest and best developed in cases involving fornication with nuns. The first legislation dealing with such matters was passed by the Major Council in June 1349. Perhaps as a form of late response to the plague, it warned that this type of crime, previously unprovided for, required the government's concern because "it merited . . . divine indignation" and because "it is a very grave matter to offend both the eternal and the temporal authority." Therefore the Major Council instructed the Avogadori to investigate such cases and prosecute them before the Forty as a form of "praise and reverence for Jesus Christ and his most saintly mother."⁹ Prosecution had become virtually a form of prayer!

Rhetoric in case briefs, however, was initially much more restrained. In a case that appears to have been the direct precedent for the legislation of 1349, the noble Marco Barbaro complained that his daughter, a nun at the Convent of Sant' Adriano di Torcello, had been abducted and violated by a young noble, Francescino Loredan. The brief concentrates on the injury to Barbaro as father of the girl and to his family, with no reference to God's being harmed.¹⁰ A little more than two weeks later the Major Council passed the legislation discussed above. Once again, in the first case tried after this law was passed, the rhetoric of offense to God was passed over for a more traditional one. In this crime from early July 1349, Donozoli a Verexelo abducted a nun, again from Sant' Adriano. But the crime was described as being merely "against the honor of the government

and the said convent.” In other sex crimes, as we have seen, the early rhetoric often concentrated on the deed’s being against the honor of the government, family, or victim, if there was one. Donozoli’s crime fits neatly into that tradition with the convent’s honor replacing that of the family with a nice logic.¹¹

Sant’ Adriano was a popular target of such crimes in 1349, or perhaps it was merely more visible to the Avogadori. In October of that year its sexual problems were once again being investigated by the Avogadori. This time a noble, Pietro Grioni, had broken into the convent. It was claimed, though, that his violence gained him only a stolen kiss with a noble nun, Sister Visa Zen, and an exchange of insults with the abbess. Such a minor crime garnered no rhetoric at all, although by the end of the century the impact of such deeds on God would be carefully weighed in the language of the Avogadori.¹²

By the end of the fifties rhetoric had begun to move toward the vision of the Major Council’s legislation. In 1359 a noble, Leonardo Balduin, was prosecuted for a long, complicated affair with a nun at Sant’ Antonio, Sister Beatrice Faliero, also a noble.¹³ Their sexual relations, begun sixteen years previously, had continued, punctuated by the birth of a child, and came to light only when he persuaded her to flee the convent and live with him in sin, disguised as his slave. We might expect a certain escalation of rhetoric in such a case, but the rhetoric was remarkably restrained and within the evolving tradition of sex crime language. Leonardo was accused merely of “not keeping God before his eyes” and of being “motivated by diabolic desire.”¹⁴ Injury to God had still not filtered down from legislation to case briefs.

Not until 1395 does the rhetoric reach the complexity of its mature form for the first time. In that year Antonio Vianaro was tried for entering the Convent of Santa Croce on the Giudecca several times to have sexual relations with Sister Ursia Tressa in her cell. He was accused of “not considering how much injury he caused the Highest Creator by violating the bride of Jesus Christ” and of “committing wicked incest, fornication, adultery and sacrilege, not keeping God before his eyes.”¹⁵ This will continue as the typical rhetoric of the fifteenth century, although it is for the first time out of synchronization with the development of the general language of sex crime. It seems clear that sex crimes against God, at least in the prosecutors’ language, were beginning to follow a track of their own, a track first pointed to in the legislation of 1349. Legislation set such crimes apart early on, but the language of the case briefs took almost half a century to pick up the distinction and develop it.

God was injured by such crimes because they violated the “brides of Christ.” Yet Antonio was accused of even more. His fornication was obvious—the adultery clearly involved his sexual relationship with Christ’s bride. But his incest? The exact connotation of the association of incest with fornication with nuns was never articulated, but it became a com-

monplace in the rhetoric of such cases in the fifteenth century. Perhaps it refers to the notion that nuns are sisters to all men; thus, fornication with a nun, as with a sister, would be incest. The stress placed on nuns as the brides of Christ and the absence of a reference to them as the sisters of men, however, suggests another explanation. As a child of God, a man copulating with a nun would then be guilty of incest with his father's wife. Taken to its logical conclusion, such an interpretation runs into problems, for all marriages between the children of God could be seen as incestuous.¹⁶ But logic is not always the strength of those points where the divine intersects with the mundane and man's reason in particular. Moreover, in the patriarchal society of the Renaissance the God-the-Father image may well have come to mind more readily than the status of nuns as the sisters of all men. For in a way the illicit love of young men and young nuns that offended God the Father may have paralleled the incestuous fears that grew up around the emotional ties between sons and their young mothers. As David Herlihy and others have speculated, the distance in age between husbands and wives especially at the upper social levels may well have heightened tensions that today are labeled Oedipal.¹⁷ In the end, all that can be asserted is that the crime was described as incest; the emphasis on nuns as the brides of Christ rather than the sisters of men suggests that it was the son-father's wife association that was the key to that incest.

The popular theology of this rhetoric (popular in the sense that the Venetian nobles who tried these cases were predominantly merchants and bankers, not theologians) is worth a bit of speculation. God was seen in this area of sexuality as being close to man. Such a God is clearly not the distant, unmoved king on the early medieval cross. More the suffering Christ of the late medieval crucifix, he was threatened directly by human sexuality, even victimized by it, in a manner analogous to husbands victimized by adultery. The association was eminently logical, albeit rather strange to modern eyes. God's honor clearly was involved too and his vengeance feared. In sum, God was presented as a male intimately related to this world, even in the area of human sexuality, through his marriage into it and through his physical representatives and institutions. Ultimately, in this vision a Jew could harm God by having sexual relations with a Christian woman, and a young couple could harm him by fornicating beneath an organ in the Church of San Barnaba.

Unlike the other sex crimes discussed to this point, however, these crimes against God did not see a diminution of rhetoric during the fifteenth century. New themes were not introduced, but the language remained rich and complex. Significantly in this light, the Avogadori-Forty did not delegate their authority over such crimes to other, lesser bodies. The conclusion is that they continued to see this complex of crimes as more serious than other sex crimes. If anything, their prosecution of fornication with nuns increased and the general policing of convents

became a central concern of the state. More than 18 percent of the Avogadori's prosecutions over the 170-year period from 1330 to 1500 took place in the decade of the 1440s. In the 50 years from 1420 to 1470 we find more than 56 percent of all prosecutions. In this heightened interest in and prosecution of fornication with nuns and other sex crimes against God, especially sexual contacts with Jews, we see a certain parallel with the prosecution of sodomy. Both crimes moved to a greater prominence in the judicial records of the fifteenth century, curiously at a time when both seem to have been more openly practiced and to have become more attractive to individual members of the nobility. Perhaps we may contend simply that as traditional taboos were about to fall, they elicited the strongest defense from the same authorities who privately were often willing to ignore them.

But these taboos did not fall. Nor does it appear they were about to fall. Rather, it seems we are again encountering our culture of illicit sex in which both sex crimes against God and sodomy were gaining a wider acceptance in certain circles and thus coming more openly into conflict with accepted norms. But neither culture was to dominate fully. Noble males especially, but others as well, would instead move between the two—some abandoning entirely the culture of illicit sexuality as they matured, married, and lost contact, and others jumping between the two as desire and interest dictated.

The reality that stood behind the dark rhetoric of sex crimes against God remains problematic. To a Renaissance merchant-banker just how important was God's suffering at the hands of human sexuality? Perhaps the best way to examine this question is to look in more detail at sex crimes with nuns and with Jews, the two most frequently prosecuted sex crimes against God and the two areas that seemed to elicit the most growing concern from the nobility in the fifteenth century.

Not only were laws passed against fornication with nuns, the penalties they required were followed closely, suggesting that this was a crime where rhetoric and action agreed. Normally, the Council of Forty did not feel constrained to impose the penalties of legislation. As we have seen, their practice, supported in theory by Venetian law itself, was to judge each case on its own merits, evaluating damage, violence, and social and political implications.¹⁸ This practice was not followed in sex crimes involving nuns, where penalties carefully followed legal requirements. After 1382 the law required two years in jail plus an unspecified fine for fornication with a nun.¹⁹ This was much more serious than the normal range of penalties for rape at the time, falling close to the typical penalties for rape of children or noblewomen. As we shall see, the latter were among the most seriously punished heterosexual sex crimes. Thus, the regular application of the penalties required by law made fornication with a nun a most serious matter and implied that the rulers of Venice strongly felt the abhorrence that their rhetoric articulated.

There is, however, yet another context that puts such analysis into question. The cases themselves reveal that prosecution was reserved for the most public and outrageous crimes. Much of the testimony and many of the situations described suggest a normal level of sexuality, at least at certain convents, which is startling and in striking contrast to the rhetoric. Moreover, as we move into the fifteenth century, although the concern of the Avogadori and the Forty remained high, there are a number of indications that these convents became much more open in their sexuality. Fitfully, in moments of moral fervor or when matters became too public to overlook, the authorities vowed to take action, even at times attempting to mobilize papal and local clerical support. But while these initiatives came and went, fornication with nuns continued and probably increased as it became more public and open.

Placing the Renaissance convents in their social context to some degree helps to explain the distance between rhetoric and enforcement, as well as the apparent contradiction between the government's initiatives to close down the sexual life of the convents and their increasing tolerance. It must be kept in mind that the monastic ideal begun as a spiritual path to personal salvation had been profoundly altered by time and its own success. The periodic reforms and renewals of monastic orders give credence to the old saw that "nothing fails like success." Seeking to escape the world and its path of sin, successful monastic orders regularly found that the world and its sinners were most eager to seek them out. For Renaissance convents the issue was complicated inasmuch as they were frequently more social than spiritual institutions. The escalating costs of dowries and the importance of their marrying well pressured many daughters at the upper levels of society to find a place outside the traditional family-marriage nexus. At this level fornication followed by marriage was a less available option, primarily because a marriage without a suitable dowry was too costly in social terms to be a regular path to marriage. The convent had become a convenient safety valve for this potentially explosive situation. There sexually mature women were placed in an institutional frame similar to marriage, which gave them a social place and at least theoretically protected society from their sexuality. In a way, we can say that daughters were placed in convents before their lack of social place created problems for the family and the sexual dynamic of society as a whole.²⁰ In this light the witch fears that swept Europe after the Protestant Reformation and the elimination of the convent in Protestant areas may take on additional meaning.

But daughters so placed were not necessarily committed to the spiritual side of the monastic ideal. Upper-class society in Venice seems to have been both aware of this and in many ways willing to make considerable accommodations. One is reminded of a Florentine story related by Enrica Viviani Della Robbia: When the Medici family was given a giraffe as a present, the populace was so excited by the strange animal that the whole

city was abuzz, even the convents. Finally, to assuage the curiosity of these women officially outside the world, a series of visits was arranged so that the nuns could view the beast.²¹ If a giraffe could find its way into Florentine convents, would we be too chauvinistic in asserting that love could certainly find its way into Venetian convents? The problem was succinctly stated in Venetian folk poetry of the period, echoing sentiments more widely held:

My mother wished me to become a nun
 To fatten the dowry of my sister
 And I to obey my Mama
 Cut my hair and became one.
 Yet the first night that I slept in a cell
 I heard my lover's footsteps below
 And rushed down to open the door;
 But the mother Abbess caught me
 And asked: "Little sister
 Do you have a fever or are you in Love?"²²

A stronger version of the same sentiments reports a daughter's response to her mother's call for her to enter the convent:

Mother don't make me a nun; that I don't desire;
 Don't cut me off with a Habit which I don't want to wear
 Or make me stay all day at Vespers and Mass
 With the Mother Abbess who does nothing but yell
 Now that a handsome young man has taken me as his love
 And thus I find in my heart a constant warm desire,
 I would go quite mad if I was forced to fast
 And go to Vespers and Eventide and sing at all hours.²³

Quite simply, these laments were not ignored. Certain convents did maintain the high ideals of spiritual quest for salvation through withdrawal from the world, but many others were much less restrictive. And some, inhabited by bright and lively young women of the upper classes, took on quite a different tone reminiscent of a cross between the courts of love of the High Middle Ages and the temple prostitution of the ancient world. Occasionally, when the bright and lively diversions of these convents became excessive, stern rhetoric and law were applied, but normally life there was much more in this world than out of it.

At least thirty-three convents had one or more prosecutions for fornication with nuns during the period. Table 3 presents the nine convents where prosecution was most frequent. These nine were clearly more active in sexual matters than their public records show, but among them one stands out. Sant' Angelo di Contorta, populated by nuns from the best families of Venice, was atypical, at least to the degree that the excess that led to prosecution was itself excessive. The Avogadori prosecuted fifty-two cases of sex crimes involving nuns from the convent between 1401 and

Table 3. Leading Convents in Sex Crimes

Years	Convent	Number of Prosecutions	Number of Children
1401-1487	S. Angelo di Contorta (Benedictine)	52	4+
1333-1463	S. Biasio Catoldo (Benedictine)	16	0
1368-1463	S. Eufemie (Benedictine)	10	2
1363-1441	S. Giacomo (Cistercian)	15	5
1360-1434	S. Lorenzo (Benedictine)	17	1
1382-1462	S. Maphei (Benedictine)	11	4
1427-1495	S. Maria Celestia (Cistercian)	19	1
1381-1486	S. Maria Vergine (Augustinian)	15	5
1428	S. Nicolai di Torcello (Benedictine)	15	0

Source: Based on A.S.V., Adv., *Raspe*, Reg. 3641-3658 (1326-1499).

1487. Some were even perpetrated after the convent was officially closed. Nonetheless, the convent's records suggest that there was a much higher level of unprosecuted sexuality. Because of this extensive record our study will focus on Sant' Angelo, but on specific points we will draw on cases from other convents as well. It should be noted, however, that Sant' Angelo's cases were unusual only for their number; what happened there was a regular occurrence in at least eight other convents.

Early in the fifteenth century the noble sisters Filipa and Clara Sanuto, along with several other noble nuns, had their sexual lives disrupted by Marco Bono, a government scribe. It appears that Marco, one of Filipa's lovers, became enraged that she was sharing her favors too generously. Marco, as the Avogadori noted in an aside, "was very familiar and domesticated" in the convent, coming and going freely. One night after carnival his jealousy got the best of him and he returned to Sant' Angelo armed. He found Filipa in her cell entertaining a young noble, Andrea Valier, in a manner not likely to cool his temper. In the ensuing uproar Filipa's sister, Clara, and her "friend" were rousted from her cell as were several other nuns who were entertaining young men.²⁴

Marco's violence brought Sant' Angelo's activities irrevocably before the public eye. Investigation revealed that a number of nobles and non-nobles had frequented the convent regularly for the purpose of "fornication and other dishonest acts." It also brought to light reminiscences of normal, happier days for Marco and Filipa. The Avogadori described a picnic outing in which Marco and Benedetto Malipiero took Filipa, Clara, and "other nuns" from the convent to a nearby island where, aside from picnicking, "they committed numerous dissolute deeds . . . and did no less than they would do with public whores."²⁵ Evidently life at Sant' Angelo was not particularly restrictive. Nuns like the Sanuto sisters left the cloister easily for secluded island picnics and entertained men regularly in their convent cells.²⁶

Before Marco's explosion these activities, though they did not garner governmental response, were not without recriminations, even heavenly ones. During the investigation it came to light that one noble nun, Constančia Balastro, had recently given birth to a female child. This potentially disruptive side effect of sexuality had not affected the normal routine of monastic life until Marco's case brought the convent under scrutiny. It appears the convent's normal concern with raising a few foundlings and caring for young children whose parents were unable to maintain them had provided an easy camouflage for such children. But once the convent came under investigation, the child's father, a cloth merchant, felt constrained to flee the city to avoid the more tangible recriminations of Venetian law. Several of the others involved fled as well, thus avoiding jail sentences of one or two years, depending on whether fornication could be proved.²⁷

The nuns, of course, were not prosecuted by the Venetian government; they were under ecclesiastical control. The penalties the religious authorities imposed cannot be ascertained because their records are lost. Nonetheless, we may assume in this case that the penalties were not particularly extreme. Within two months Filipa was moving freely enough about the convent to be attacked by the brother of one of her convicted lovers, Andrea Valier. This substantial young noble ran after her and struck her, complaining that her "unbridled lust" had brought his brother to grief.²⁸

Filipa's sister, Clara, found her own record of fornication no hindrance to her ecclesiastical career. Twenty-four years later, when she returned to the records of sex crime, she was the abbess of Sant' Angelo. This time the birth of a child had brought the sexual activities at the convent to public attention. A noble nun, Valeria Valier, had given birth to a boy whose paternity was disputed. Valeria, who had given birth to a female child in the convent six years earlier,²⁹ had more recently been involved with Antonio, a former servant of the convent; Giovanni, a used clothing vendor; and Giacomo, occupation unknown. Each was potentially responsible for Valeria's latest child.³⁰

The investigation may have been motivated more by social than sexual concerns. Sexual contact between nobles and non-nobles, as we have seen, was viewed with extreme distaste by the nobility. The disproportionate number of prosecuted cases involving non-nobles and noble nuns (see Table 4) suggests that these crimes were more serious in the eyes of authorities and thus more likely to be prosecuted.³¹ Given the pattern of other sex crimes, this type of sexual activity is striking in cases of fornication with nuns. As the investigation proceeded at Sant' Angelo, it became clear that Valeria was not alone in her crimes. Her abbess, Clara Sanuto, could not quite match Valeria's three humble lovers, but Lucca Raffano, a convent employee, was discovered to have had a long affair with Clara, carried on at his home and the convent. He appears, however, to have

Table 4. Social Breakdown of Fornication by Nuns

Classification		% of Total	% of Group
Noble Nuns	77	52.4	100.0
with nobles	34	23.1	44.2
with non-nobles	43	29.3	55.8
Non-Noble Nuns	16	10.9	100.0
with nobles	7	4.8	43.8
with non-nobles	9	6.1	56.3
Unclear-Status Nuns	39	26.5	100.0
with nobles	18	12.2	46.2
with non-nobles	21	14.3	53.8
Unclear Status	15	10.2	100.0
Total	147	—	—

Source: Based on A.S.V., Adv., *Raspe*, Reg. 3641-3658 (1326-1499).

been a fairly substantial non-noble. Clara's other lover convicted in the case, Giovanni Minio, was a noble and a communal official at the Fondaco dei Tedeschi.³² Lucia Zane, another noble sister, provided a less substantial government figure, Pietro Pizolo, a non-noble scribe who was also accused of having had regular relations with an underage novice.³³ Obviously, with the abbess heavily engaged in the sexual activities of the house, there was little likelihood that discipline would be maintained at Sant' Angelo. Rather, Sant' Angelo appears to have been a significant feature of Venice's culture of illicit sex, offering contact with women of higher social and perhaps intellectual levels.

Clara Sanuto was not the only abbess intimately involved in the sexual practices of her convent. When a gigantic scandal erupted at San Nicolai di Torcello in 1428, the abbess, the noble Barbarella della Fontana, was a leader in the activity. Once more the case suggested that there was a high level of unprosecuted sexuality in the convent. Her affair with a scribe, Pietro Blanco, paled before the wide range of contacts that her noble sister, Filipa Barbarigo, was found to have preserved behind the walls of the cloister. Ten males were prosecuted for having had sexual relations with Filipa over a considerable period of time. Her list of lovers reads like a *Who's Who* of Venetian leading noble families: Andrea Barbo, son of the Procurator Giovanni; his brother, Marco; Albano Capello; Marino Contarini; Fantino da Pesaro; Donato Donato; Nicolò Grioni; and Paolo Soranzo. Having catholic tastes, however, she did not limit herself to nobles. Pietro Vercius, a painter, and Pietro Blanco, the abbess's own lover, were prosecuted for frequent fornication with Filipa, both in and outside the convent. As one might expect, Filipa and her abbess were not the only sisters involved. Clara Rubeo had four admirers who were prosecuted—two nobles and two artisans—and another sister added a humble carpenter to the list. Eventually, fifteen men were prosecuted.³⁴ Such cases suggest

strongly that sexual contacts could be very extensive indeed and involve some of the most important men of the city before prosecution was initiated. In fact, this case almost was not prosecuted. Marino Lando, one of the Avogadori responsible for the case, attempted to get it dropped, apparently because he was a close friend of Giacomo da Pesaro's, brother of Fantino, one of Filipa's numerous lovers.³⁵ If this large and virtually unavoidable case was almost dropped, we must wonder how many other, smaller affairs managed to slip back into anonymity when they accidentally became public.

Filipa Barbarigo's long list of contacts indicates a wide-ranging promiscuity indeed, for her convent life opened up a panorama of sexual contacts atypical for most women. Probably prostitutes had an even greater range of encounters, but Filipa presumably had much more of a say in her sexual life, as her sexuality was not a matter of survival but of pleasure. Again, perhaps we have nudged into an area of illicit sexuality that was not typified by sexual exploitation of women based on their economic need or lower social status.

Of course we must assume that not all nuns who became involved in sexuality were as promiscuous as Filipa. Some were quite monogamous, and as in fornication and adultery, love seems to have had its day. The love story of the noble nun Polisena Cavatorta and her noble admirer, Giovanni Valier, suggests as much. When their long relationship came to light in 1451, she was a nun at the convent of San Zaccaria, one of the houses most popular with the upper strata of the Venetian nobility. Polisena had been committed to the convent as a young girl. Yet Giovanni managed to meet her there and begin a courtship with letters and promises of love before she was even consecrated. Marriage was discussed, but nothing came of it, probably because of dowry problems. She became a nun and their relationship continued, still a friendship. Finally, Giovanni talked the young nun into meeting him in the convent garden one night. After climbing over the wall, aided by the vines that covered it, he again proposed marriage. She refused, having little option. But eventually, after several nights of moonlit walks and conversations of love and promises, "she was induced to consent and he knew her carnally in contempt of God and her convent."³⁶

Thereafter he returned to the convent regularly at night ("ad libitum"); the affair continued quietly for some time until Polisena became pregnant. But even this problem did not catch the public eye and bring in the Avogadori. Rather, "she gave birth to a male child in the convent" with no action taken at all. Presumably that would have been the end of the matter and San Zaccaria would have retained its virtually unsullied record with the Avogadori and the Forty at least. But Giovanni, not content with that ending, returned to the convent to try to convince Polisena to run off with him. His regular promises of marriage, it seems, were serious. Polisena, in turn, finally gave in to love and the couple fled.

Only at this point, when their crime was irrevocably public, did prosecution begin. As long as their relationship had been relatively discreet, their affair had gone on "ad libitum." But even the Forty and the Avogadori revealed a soft spot for these young noble lovers. Prosecution could not be avoided and Giovanni received the legally required sentence of two years in jail plus a 200-*lire* fine. The legal requirements met, the Forty promptly overturned their ruling and offered Giovanni the opportunity to give Polisena a dowry of 1,000 ducats and make her his wife. If he did that within one month, all the other penalties would be dropped and presumably love would have won out.³⁷ Unfortunately, we do not know if the couple married and lived happily ever after, as love stories should end; but we may assume that at least they married.

Not all cases were handled with similar sympathy. In fact, most of the cases that were tried were perceived as considerably more irregular, presumably one reason they came to the attention of the courts. The complex case of Liseta de Buora at Sant' Angelo reveals the type of crime that was virtually impossible to overlook, yet was ignored for considerable time. Eight years after Clara Sanuto's last escapade came to light, Sister Liseta took advantage of lax discipline to take a fifteen-day trip to a nearby island with a young relative of hers, Marco de Buora; the ubiquitous Sister Valeria Valier, mother of at least two children with four putative fathers mentioned earlier; and an underage girl named Margarita, who had been left in the convent's care because her family could not provide for her. Liseta's care, however, was somewhat suspect, as the Avogadori characterized her as "a most infamous procuress." The Avogadori found nothing that occurred on the trip prosecutable, but return of the group to the theoretically safer confines of the cloister changed that. They reported that "in the presence and under the gaze of this Sister Liseta, his relative, a nun . . . the aforesaid [Marco] had sexual relations with this Margarita, taking her virginity. The very next night he remained in the convent, sexually knowing and mingling with this Margarita and from then on he frequently returned to the said convent to fulfill his desires."³⁸

Fornication with an underage girl was by itself a most serious crime by Venetian standards. In this case young Marco was sentenced to one year in jail plus a fine of 300 *lire*, 200 of which were to be used for Margarita's dowry. Actually, this was a moderate penalty. But the Forty took an extra step designed to assure maximum punishment for Liseta. They voted to send a copy of the case material to the bishop of Castello, the superior responsible for convent discipline. Such action was reserved for the most serious clerical crimes where the authorities wished to press the Church for more severe penalties than normal.³⁹ Clearly, Liseta's help with and participation in this seduction were perceived as an extreme offense.

Liseta's punishment is unknown, but whatever it may have been, it is clear that it did not encourage her to reform. For that matter, Marco's jail sentence and fine had no effect either, for eight years later we find him convicted of "fornicating with Liseta de Buora . . . his relative in her

cell.”⁴⁰ Marco returned to jail, but again was not reformed in the least by the experience because we find him back before the Forty in 1455. This time he was sentenced for fornication with Camila Morosini, a noble nun of the Convent of San Biasio Catoldo. Camila, though apparently no match for Filipa Barbarigo, had a circle of admirers who went considerably beyond Marco, including the nobles Victorio Marcello and Timotio de Molin and three non-nobles. All except Marcello joined Marco for his third jail term. Marcello escaped punishment because he claimed successfully that he had not realized that Camila was a nun when he went to bed with her.⁴¹ Once again, the cloistered life of the convent, at least for some women, seemed to offer great freedom.

Sister Liseta at Sant’ Angelo also appeared undaunted by her unknown penalty. Back in the records a year later, she had become involved with Nicolò, a used clothes merchant, Georgio dela Scala, Zanino a Sale, and two nobles, Giovanni Valier and Marco Marcello. The openness of Sant’ Angelo is once more underlined by the fact that Zanino was reported to have eaten, drunk, and slept at will in the convent.⁴² But Liseta’s relationship with Nicolò suggests that the convent was still too confining for her. The Avogadori report that she was “almost expelled from the said convent because of disagreements existing there” and had gone to live with Thadea, a “courtesan” (*compagnesse*), where she met and began her affair with Nicolò.⁴³ To a degree, nothing could be more fitting. Virtually expelled from her convent, Liseta found her level in the outside world as a courtesan—the high-class, educated prostitute for which Venice was to become famous. Two aspects of the illicit sex culture had come together at an unlikely point of overlap: courtesan-nun. But in a way, Sant’ Angelo had been bringing the two together for years.

Sant’ Angelo’s days, however, were numbered. Its record of crimes was so great that the pope finally stepped in to close it down in 1474. But even in its demise Sant’ Angelo suggests the continuity of convent sexuality. Adopting a tactic often used for dealing with wayward nuns, the pope ordered that they be incorporated into the Convent of Santa Croce on the Giudecca, a house of considerably higher moral tone.⁴⁴ There was, however, a great deal of resistance to the pope’s plan. Families who had dowered their daughters to Sant’ Angelo and supported the convent with gifts over the years were reluctant to see that wealth amalgamated with Santa Croce.⁴⁵ How much that concern was reinforced by a fear that their daughters and relatives were being forced into a stricter situation than either family or nun had bargained for cannot be ascertained, but it must have been a factor. Finally a compromise was worked out: Those nuns who did not wish to leave Sant’ Angelo were allowed to finish out their lives at the convent, but no new nuns were to be brought in and the convent was for all intents and purposes closed.⁴⁶

As a result, we have the anomaly of a significant number of sex crimes at a convent after the pope officially shut it down. In fact, in a kind of sexual explosion perhaps touched off by their unusual status, the remain-

ing nuns in 1477 were involved in such a large case that the Avogadori merely identified one nun, Angela Contarini, presumably the ring leader. The rest were referred to merely as “many” and “they.” Even the pregnant nuns were referred to as “many” and “some.”⁴⁷ But slowly the nuns of Sant’ Angelo grew older, and with the death of the last nun in 1518 the convent passed quietly from the records of sex crime. Yet we might literally say that Sant’ Angelo had one last explosion left. In 1555 the buildings were taken over as a powder magazine. Thirty-four years later the powder accidentally ignited, creating an explosion that destroyed the building completely and left only a low mudflat lost in the tides of the lagoon as a memory of Sant’ Angelo di Contorta.⁴⁸ Such an ending, dear to the romantic in us all, should not be allowed to cloud the fact that several Venetian nunneries, only slightly less open, survived comfortably to the time of Napoleon.

Sant’ Angelo, although atypical in its demise, was typical of the culture of illicit sexuality. Young men had been able to mingle there easily with young women of high social rank, refined manners, and perhaps even a certain intellectual training. Presumably it was normally a brilliant mingling, which the criminal records reveal only obliquely and not in the best light. The moralistic Venetian diarist, Girolamo Priuli, sums up this situation in all its ambivalence: “I believe in this diary I have described enough the ostentatious and dishonest life of these Venetian nuns, who being truly of noble blood and origin are most beautiful, delicate and filled with every *virtù* especially in song, playing and every other musical ability and in handicrafts. . . .” Such nuns were “famous to all foreigners, lords and others who have come to Venice. For they are immediately taken to such convents to hear and admire their ability in music and also to see the most beautiful things made there with hand and needle.” But Priuli’s civic and noble pride slides quickly into moral censure as he continues: “Many of these foreigners, having fallen in love with these young and pretty nuns, leave them money to make them happy and these nuns, intelligent, astute, and prudent enough in the arts *do not leave it so that it is left for nothing* [italics added]. To speak frankly these nuns, especially those with long experience [and] accustomed to such ostentation and lasciviousness, because they are abandoned by the young Venetian nobles and foreigners as being too loaded with years, nonetheless wishing to serve their vile appetites, turn to vile people like boatmen and others not up to their level in order to satisfy their sexual appetites.”⁴⁹

Sisters Clara Sanuto, Valeria Valier, and Liseta de Buora, at Sant’ Angelo, along with nuns of other convents like Filipa Barbarigo and Camila Morosini, give life to Priuli’s model. Their excesses reveal the boundaries of a more accepted openness in convent sexuality that belies the dark rhetoric of sex crimes against God. In the end, God, like many another Venetian husband, would wear horns and learn not to notice his lost honor. Virtually nothing seemed alien to the humanization of the Renaissance vision.

Although from the late fourteenth century sexuality in sacred places was described with a rhetoric that also spoke of injury to God, it was prosecuted so infrequently that as a crime little can be said about it. Some crimes seem to have had a conscious sacrilegious intent,⁵⁰ but most did not. At most they support generalizations already made. For example, a number of cases typified by Fantino Da Pesaro's kiss of Marta, servant of Manilo Petri, reveal that males were eager to take advantage of almost any situation that allowed them to encounter women alone. We shall see that boats were especially dangerous places for women because of this fact. For a woman merely to be in the streets alone could be enough for her to fall victim to rape. In such an atmosphere not even a church setting was adequate protection. One day in the fall of 1436 Marta had taken communion in Saint Mark's Cathedral and was moving toward the altar of San Lorenzo when young Fantino, a noble, trapped and kissed her before that altar. Apparently Marta took in stride such importuning from the nobility, even before the altar of San Lorenzo in Saint Mark's Cathedral, for she made no complaint. But Fantino did not intend to let the matter lie there. A few days later, finding Marta on her knees praying in the Chapel of San Isidoro, "he put his hands on her shoulders and from there slid them down over her body, in the end kissing her."⁵¹ This time the matter was taken up by the Avogadori and eventually the Forty sentenced him to a year in jail in chains, a very stern penalty indeed for taking advantage of a servant girl in church.⁵²

Another case that occurred in Saint Mark's suggests a perception of sexuality seldom mentioned in our records—a negative value judgment on sexual relations with the aged. There is no question that Vielmo from Siria's petting with Marcolina, wife of Vito, in Saint Mark's was viewed as an attack on God—"little considering how much he injured Our Supreme Creator and Our Most Saintly Protector Saint Mark"⁵³—yet the Avogadori could not resist making an issue of Marcolina's old age. They pointed out that "at that time she was old and totally without youthful warmth and moreover she was without teeth and the flower of youth."⁵⁴ This detail, unnecessary for the prosecution of the crime, clearly added to the distastefulness of the deed from the Avogadori's perspective. But this is one of the few instances when age prejudice per se is encountered in our documentation. We have seen, of course, that younger women were preferred for marriage, but there was surprisingly little age distinction in the documentation, especially for women once they had reached maturity. Thus, at most we can argue that this case reveals that age stereotypes existed, but the weight of the evidence suggests they may not have been significant. In the end Vielmo was sentenced to a year in jail plus a fine of 200 *lire*, while Marta received a six-month jail sentence for consenting to his advances.⁵⁵

Prosecutions for sexual relations with priests and monks were also quite limited. A primary reason for this was because priests and monks were not subject, in theory at least, to secular law. They were tried for their crimes in ecclesiastical courts by canon law. This created problems

for the Venetian authorities, especially, as we shall see, in areas like sodomy, where male clerics were perceived as playing a significant role in initiating the crime. As women were seldom prosecuted for fornication, cases involving clergymen rarely appear. After the 1360s, when women began to be prosecuted for adultery, a few cases involving priests began to appear; again at the end of the century, the few that were prosecuted were typified as an attack against God. The number of prosecutions, however, remained small. Rapes by priests and monks, given the terms of the above analysis, should not have been reported either, but occasionally the Avogadori stepped in and took what action they could—banishing the offending cleric, pressing ecclesiastical authorities to impose stern penalties, or both.⁵⁶

We might expect that the prosecution of sexual relations between Jews and Christians would also have been minimal, for during the fourteenth and fifteenth centuries Jews were for the most part expelled from the city. During the fifteen-year period from 1382 to 1397, they were allowed to live in Venice itself, but after 1397 they were only allowed in the city with fifteen-day permits to conduct their business, primarily pawnbroking.⁵⁷ An exception was made, however, for doctors and surgeons. But it appears that quite a few Jews managed to slip by these legal restrictions and live in Venice, in good times integrating quite successfully with their Christian neighbors—successfully enough to have social and at times sexual intercourse with them. In one of the first prosecutions of this crime, a Jew named Salomon was convicted in 1425 m.v. of fornication with “his neighbor” Benevuta and was sentenced to a year in jail plus a fine of 500 *lire*. Both were reported to have been living in the parish of San Cassian. He may have been a physician, but no mention was made of the fact. Significantly, the conviction refers to a recent *parte* passed by the Forty that forbade any sexual contact between Jews and Christians: “If any Jew is known to have had sexual relations with any Christian woman or is proven to have had [them], if the woman was from the public places of the Rialto [i.e., a prostitute] the said Jew must pay 500 *lire* and stay six months in jail; if the woman was not from the public places of the Rialto, he must stay one year in jail and pay 500 *lire*.”⁵⁸

The law, however, was not always observed. A month later when another Salomon, son of a physician, was convicted of fornication with a slave, he too was sentenced to a year in jail plus a fine of 500 *lire*. But somehow he managed to put off the jail sentence until 1432 when, thanks to a *gratia* passed in the Major Council, he was absolved of his fine in return for a payment of 500 *lire di piccoli* to be used to arm a galley of the Cretan fleet.⁵⁹ Clearly this Salomon and his family were important and wealthy enough in Venice to be able to make the court system work to their advantage.

Numerous examples could be cited of close daily relations between Jews living in Venice and their neighbors, but another case involving a doctor

reveals how regular contact could be. Leo (*magister medicus*) had lived for a while in the same house as Giovanni, a sailor, and had become a good friend of the family (*domesticum familiaritatum*). When Leo moved into a house of his own, Giovanni's wife "visited him almost every feast day" with her daughter for conversation and to allow her daughter to play with his. But Leo made advances to this young girl repeatedly, which she apparently paid little attention to, even when he attempted rape. Finally, however, one night when she was sleeping at his house, he succeeded in his attack. The girl still did not report her rape; rather, she continued voluntarily with the relationship until they were discovered. Once again, Leo appears to have been a fairly powerful man in Venice. The Forty had some trouble getting enough votes to convict him even though he had confessed under torture to having committed the crime. For rape and a long affair with a young Christian girl—she was only fifteen at the time the crime came to light—he was sentenced to a year in jail and a fine of 100 ducats.⁶⁰

Toward the middle of the century prosecutions for this crime began to increase, and new legislation was passed to limit contact between Jews and Christians further. A *parte* was passed in the Senate in early 1443 that attempted to limit sexual contact both heterosexual and homosexual. The rhetoric of the introduction to this legislation is worth reproducing in full:

As our ancient forefathers, protectors of the Christian religion, sought with penalties and notorious signs to separate Christians and Jews, ruling that the latter could stay in Venice only fifteen days and must wear a yellow design on their breast in order that they be recognized by Christians, and as at present some Jews through various ingenious and fraudulent means have been able to avoid wearing this sign, they therefore have had sexual relations with Christian women and taught youths to sing and play by keeping public schools to which a large number of Christian youths come. It is most necessary for the honor of Our Lord Jesus Christ to provide for these concerns and prohibit any such contact.⁶¹

To secure this end the Senate required all Jews to wear the yellow badge without exception, forbade them to run any school in Venice under fine of 500 ducats and six months in jail, and increased the penalties for fornication with Christian women to two years in jail plus a fine of 500 ducats.

As we shall see in Chapter 6 on sodomy, the government was becoming concerned about schools as a source of homosexual contact. In that context the rather strange juxtaposition of restricting sexual contact with women and forbidding the running of any schools takes on an additional meaning. In essence the Senate was dealing with both heterosexual and homosexual intercourse. In both cases the yellow badge would identify Jews and make sexual contact less likely. In the latter case access to young males in a situation believed to be conducive to homosexual contact was

also denied them. Interestingly, however, the *parte* reveals a male bias, at least from a Christian perspective. Jewish men were to be punished for sexual contact with Christian women, but no mention was made of restricting Christian males from fornicating with Jewish women.

Atypically, a month later the Senate moved to rectify this situation, arguing that although many existing statutes required Jewish males to wear a yellow badge, "concerning Jewish women nothing is said."⁶² The danger in this was that Christians might "have sexual relations with some of them [Jewish women] with the danger that some of the babies [*creature*] would be born Jewish." As a result, Jewish women as well were required to wear yellow badges and those that did not were to be subject to the same penalties as Jewish males.⁶³ But a significant difference remained: No penalty was instituted for Christian males in such cases nor were any ever prosecuted, in fact, for such contact. The same cannot be said for Christian women who at mid-century were occasionally punished for fornication with Jews.⁶⁴

Jewish males, however, could also escape punishment if they were prepared to make a large accommodation to Christian values. Lazaro Liberman, convicted in 1442 of raping a German woman named Anna, who had come to rent a room from him, left jail to be baptized and become a Christian. It is noted in the margin that the nobles concerned with the case believed Liberman should be released "for the love of God," because of his conversion.⁶⁵ As a Christian his crime against God was essentially undone, so Lazaro could be freed. The case of Jeste di Meir sums up this curious vision in all its ambivalence. He was a neighbor of Silvestra's, daughter of the deceased Bartolomeo di Lucca. With her mother's more than tacit approval (Jeste was allowed to kiss Silvestra in the presence of her mother), he gave the young girl court and eventually won her consent to sexual intercourse. All three were punished. For encouraging the affair the mother was displayed in public with a crown of infamy "depicting diabolical images," then given twenty-five lashes in the privacy of the Signori di Notte's torture chambers. Her daughter received twenty-five lashes as well. Jeste was sentenced by the terms of the law of 1443, discussed above, to two years in jail and a fine of 500 ducats, but as noted in the column of the register, he became a Christian and went free.⁶⁶ It seems he could atone for his crime against God in a way Christians could not.

Sex crimes against God reveal a subset of sexual criminality curious to modern eyes. But the vision of these crimes turned upon a central perception of Renaissance religiosity. God was a deity close to man, personally involved in this world and personally touched by human actions. When those actions involved nuns, priests, monks, ecclesiastical settings, or Jews, God was thought to be personally injured, and the government stepped in aggressively to restrict such deeds. In a way, then, Venice was prepared to protect God much as they assumed, or at least hoped, God was prepared to protect them.

V

Violence and Sexuality: Rape

Like most sex crimes, rape is a crime of many dimensions. Two characteristics, however, set it apart. First, it is violent as well as sexual. In fact, in some instances it appears to be so violent and personal that its sexual dimensions are almost lost. Second, it has a more obvious victim than do most other sex crimes. Venetian society tended to see husband and family harmed by adultery and parents and other relatives victimized by fornication. Honor as well as economic and social concerns underlay such perceptions. But in rape, victimization was direct, whether the crime was seen in terms of violence or sexuality.

The language of rape prosecution neatly reflected these two distinctions. Violence played a primary role in the description of the crime, occasionally so major that the records are unclear about whether the rapist actually succeeded. The law reflected these distinctions as well. In 1323, when a dispute arose in the Forty over whether the Signori di Notte or the Avogadori should investigate rape, the crime was broken down along just these lines. Some argued that the Signori di Notte should handle the matter because it involved "violence" (*fortia*). Others thought the Avogadori were responsible because rape was held to be "a mixed cause of fornication" (*mixta causa fornicationis*). The latter argument carried the day. The Forty ruled that "if anyone is found to have committed any molestation or violence against any woman with a desire to commit fornication, whether or not he succeeds in that fornication, it is declared that that crime shall be dealt with by the Avogadori."¹ Violence and the intention to commit fornication were the key elements in the Forty's vision of the crime, even though the Avogadori-fornication dichotomy won out over the Signori di Notte-violence vision. To a degree this same attitude was demonstrated by the penalties imposed by the Forty for rape and attempted rape: punishments for attempted and successful rape regularly overlapped and averaged out to be essentially the same for both

crimes. Obviously many other factors were involved in punishment, but in accordance with the Forty's statement the sexual completion of the crime was less significant than other factors.

Victimization in the rhetoric of the Avogadori focused on the assaulted woman. Husbands, family, or other relatives were less frequently mentioned than in other sex crimes. Also, our transcendent trinity of God, justice, and the state was less invoked, though it was referred to in the most serious cases of the late fourteenth and early fifteenth centuries. This may well have been because rape was a more public and violent crime than fornication or adultery. The rhetoric of the Avogadori, then, did not have to seek excuses for prosecution in reference to family honor or transcendental values. Public violence had long been a widely accepted responsibility of governmental discipline. But in addition, we might at least hypothesize that the leaner rhetoric of rape cases was related to the culture of illicit sex in Venice. Accustomed to the victimization of women, especially those of lower status, this society may have come to see the one sex crime that clearly victimized women as merely an extension of an exploitative sexuality that was quite common and not particularly troubling.

As I have argued elsewhere, the language of rape was curiously distant and antiseptic.² By comparison, sodomy was a crime where, as we shall see, the sexual aspects of the deed were recorded with considerable physical detail. But for rape, the language was limited to "he knew her carnally by force" (*carnaliter cognovit per vim*) or similar expressions that say little beyond highlighting the dichotomy required by the Forty's *parte* of 1323.³ The primary exceptions to this formulaic reportage involved incestuous rape or violence against children (*puellae*) or the elderly. For such crimes the rhetoric of the case as a whole became more complex and moralistic. The reason for this lack of physical detail perhaps is tied to the mild penalties rape garnered. On the one hand, the crime's insignificance in the eyes of the court made detailed reportage unnecessary. On the other hand, it should not be forgotten that rape's antiseptic and laconic reportage made minimal penalties easier to impose. A close physical description of what individual rapes entailed might well have added considerable weight to the Forty's penalties.

Once again, in cases of rape the rhetoric of the Avogadori seems to follow a bell curve, peaking in complexity at the end of the fourteenth and the beginning of the fifteenth centuries. In the early cases to 1340 the rapist's intentions were seldom evaluated. When, toward the end of 1340, Carentano Zane, a young noble, attempted with two other friends to rape the wife and daughter of a physician, the Avogadori evaluated his state of mind as "governed by an evil desire."⁴ In fact, the crime was so unusual, they atypically made that comment twice in their description: first when noting Zane's demand that the physician voluntarily hand over his daughter to him and his friends and again when reporting that on being

refused, he and his friends grabbed the daughter and her mother, beat them, cut off their hair, and carried them off by force. In the end the Avogadori's brief became so caught up with this behavior that they neglected to mention whether Zane succeeded in his "evil desire."⁵

Though unusual, Zane's crime signaled the beginning of rudimentary evaluations of intent. In a more typical case from a few months later, Martino di Marostega, a cook at the Cha Pesaro, attempted to rape a young female "servant" of a priest. His actions were described as motivated by a "longing to have this girl in his evil desire."⁶ And when the noble Giacomello Dolfin broke into the home of Mafei Greci, raping his wife in their bed, the Avogadori went beyond mere description to note intent: "Moved by his evil desire and against her will he knew her carnally by force."⁷ This evaluation of intent, which began in the 1340s, much as in cases of adultery and fornication, was not used in every case and was not particularly complex. But it does mark a development in the language of such crime from a purely external description to an evaluation with an internal dimension as well.

By the late 1350s "evil desire" had been largely replaced by "diabolical spirit" as the causative psychological precondition of rape. For example, in 1359 when a weaver took advantage of a young girl left with him for two years by her father to learn his trade, the Avogadori described his actions as "moved by a diabolical spirit."⁸ This substitution might seem to signal an attempt to diminish personal responsibility; in a way, an outside diabolic force had replaced the individual's own evil desires. But that may well be slicing too fine a distinction in the popular psychology of the Avogadori's language. If anything, the rhetoric suggests that "a diabolical spirit" was merely a stronger form of internal motivation.

By the 1380s the evaluation of the rapist's psychology was becoming more complex. In 1389 Pietro Zago's attempted rape of a child of seven was particularly likely to draw the Avogadori's sternest language, even though the penalty eventually imposed was a comparatively mild year in jail. Zago, a communal herald, had lured the girl into a government office and attempted to rape her, until her screams thwarted his intentions. Those intentions garnered a rich elaboration: ". . . not keeping God before him, nor fearing justice, but moved by the proddings of a diabolical spirit, loyal to both a sensual desire and the pleasure of fornication, with aforethought, will and the intention to carry out his most evil and disgusting and depraved wishes."⁹ The Avogadori left no doubt that Zago was responsible for his acts at the same time that he was in the grasp of his "sensual desire." Here emotion was no escape. The Avogadori present their culprit as both rationally criminal and the prey of his passions; their insistence on the two together suggests perhaps an ambivalence about how, in fact, the two went together. In fornication and adultery the mad passion of love might be an excuse. Even in murder the passionate explosion of violence was a mitigating factor.¹⁰ When possible for rape,

then, the Avogadori wanted to evaluate the relationship between these two faces of the human personality. In Zago's case they seemed to think they were on sure ground; "aforethought, will and intention" all proved that reason, not emotion, dominated the antecedents of his crime.

Though rape rhetoric was usually more restrained in its references to honor and our trinity of discipline, at its most complex, it could equal in serious cases the flowery rhetoric of adultery and fornication. When in 1390 the son of a cloth retailer kidnapped and raped the daughter of a minor noble, the crime was considered so serious in its crossing of social barriers that the Avogadori gave it the full panoply of their rhetoric. They reported that he committed his crime "not keeping God before him and putting every fear of God and the [Venetian] dominion behind him, motivated by a diabolical spirit . . . [acting] against the honor and status of our dominion and with great hurt, shame and infamy for the aforesaid young lady and her family and relatives."¹¹ This violence, however, warranted more in the eyes of the Venetian nobility than rhetoric. The culprit, who had wisely fled, was banned perpetually. If caught, he was promised a trip up the Grand Canal to Santa Croce at the landward edge of Venice, where his guilt was to be proclaimed. Then he was to be conducted by land back across the city to the place where the kidnapping occurred, with a herald announcing his guilt. There both hands were to be cut off and hung around his neck on a chain. Finally, with his guilt still being proclaimed, he was to be taken back to San Marco; before the columns of justice he was to be hanged by that same chain and left for three days. Clearly, the rape of a noble by a non-noble was a most serious matter in the eyes of the noble judges of the Forty both in rhetoric and in fact.¹² We might further suggest that the social dimensions of this crime made the rape itself relatively insignificant. From that perspective, stern rhetoric and stern penalty have less to say about rape than about the social stratification of Venice.

In the fifteenth century evaluation of intent dropped off significantly even for serious crimes. When Giovanni Bobizo attempted to rape an eight-year-old girl, his intent was summarized as merely "moved by a diabolic spirit."¹³ And in 1461, even in a crime that was so violent it left its nine-year-old victim "in the greatest danger of death," the rhetoric continued its restrained tradition: "Led by a lustful and diabolic spirit . . . he took her virginity and hurt her with great danger of death."¹⁴ The penalty, however, left no doubt about the seriousness of the crime. It called for the excision of the rapist's eyes between the columns of justice, the payment of a 100-ducat fine for his victim's dowry, and his perpetual banishment.¹⁵ Intention was still being referred to in the language of rape, but once again the flowering of rhetoric associated with the late fourteenth and early fifteenth centuries was superseded by a more restrained language that harked back to the earlier days of the fourteenth century.

On the whole, however, rape rhetoric was consistently more restrained than the language of fornication and adultery. Certain serious types of rape, especially those that involved children or the elderly or crossed social boundaries to victimize the upper class, received a richer rhetorical treatment focused on intent and honor. But rape between relative social equals or rape that victimized young women was reported in a most laconic fashion. Aside from a note on the violence involved, few details were reported; in fact, the records are frequently so cryptic that it is difficult to ascertain whether the crime succeeded.

To turn from the language of rape to its prosecution is, for a change, to see the Avogadori's rhetoric borne out by the penalties of the Forty. Both were strikingly restrained. As Table 5 shows, a full 50 percent of all rape penalties fell into the minimal or mild categories; that is, the majority of such cases did not involve jail sentences of more than six months plus a 100-*lire di piccoli* fine. In fact, only 14 percent of the penalties required more than two years in jail or some major corporal punishment. Most of these more serious penalties involved attacks on children or had social overtones that made them more serious in the eyes of the Forty. Simply eliminating attacks on children would reduce major penalties by more than a third.¹⁶

Table 5 reveals, however, a striking change over time that seems to require a qualification of this analysis. If we look at the period 1401–1475, a significant shift in penalties appears. The minimal and mild categories account for only 20 percent of all penalties, while penalties involving more than two years in jail constitute a full 35 percent of the total. Rape seems to have been much more sternly punished in the fifteenth century. But as in fornication and adultery, the data are misleading. First and most significant, the number of prosecutions before the Forty fell dramatically over the period. The data in twenty-five-year periods show that in the quarter century from 1401 to 1425, approximately one case was prosecuted for every six in the period 1326–1350. In the fifteenth century this lower level of prosecution remained quite stable. We might assume that the drop in prosecutions reflected a real drop in the level of crime, perhaps because of the population loss triggered by the plague. But as I have argued elsewhere, the first and most devastating wave of the plague had little or no impact on prosecution.¹⁷ It is more likely that changes in the level of prosecution reflected changes in the perception of prosecution rather than a decrease in rapes. In fact, the minimal nature of fourteenth-century penalties may have been a major factor in the declining reportage of rape throughout the century. In the fifteenth century this trend was reinforced by a change in the approach to rape. Although formal legislation creating a new procedure does not survive, cases heard by the Forty make it clear that some presumably minor, or “typical,” cases of rape were being adjudicated by policing bodies like the Capi di Sestiere, the Cinque

Table 5. Penalties for Rape, 1326-1475*

Years	Min.	Mild	Mod.	Subs.	Strict	Severe	Minor Corp.	Major Corp.	Marriage	Unclear	Total Cases
1326-1350	41%	17%	15%	8%	3%	3%	1%	—	4%	9%	193
1351-1375	34	25	19	6	5	4	3	2	—	2	131
1376-1400	26	24	24	8	4	5	4	4	1	—	76
1401-1425	15	9	18	3	6	6	21	12	9	—	33
1426-1450	11	11	11	19	—	30	7	7	—	4	27
1451-1475	—	13	9	16	3	16	6	28	—	9	32
1326-1400	36	21	18	7	4	4	2	1	2	5	400
1401-1475	9	11	13	12	3	16	12	16	3	4	92
1326-1475	31	19	17	8	4	6	4	4	2	5	492

Source: Based on A.S.V., Adv., *Raspe*, Reg. 3641-3654 (1326-1475).

*For an explanation of penalty categories, see Table 1.

alla Pace, and the Signori di Notte. Unfortunately, most of the period's records of these councils are lost, making it impossible to know if levels of prosecution really changed at all.¹⁸

One fact is clear, however: The Forty continued to hear the most serious cases and the level of those changed very little. In the first seventy-five years of the fifteenth century they imposed strict, severe, or major corporal penalties in thirty-three cases; in the last seventy-five years of the fourteenth century they required thirty-five such sentences. Complementing this analysis is a continuity in the number of cases involving *puellae*, while general levels of prosecution dropped dramatically—fourteen cases in the fifteenth century and eleven cases in the fourteenth century. Our shift apparently reflects neither a decline in the level of prosecution nor an increase in penalties, but rather primarily a change in prosecution procedures that left only the more serious crimes to the Forty. It may be that lesser policing bodies heard fewer cases, but for the Forty the remaining cases were much the same as the serious cases they heard in the fourteenth century.

A qualification must be made, however; corporal punishment, even when we look at it in terms of serious penalties alone, increased significantly in the fifteenth century. In raw numbers only thirteen crimes in the trecento involved corporal punishment—in the majority of cases, only minor discipline such as beating. The quattrocento, in contrast, saw twenty-six cases involving corporal punishment—double the earlier figure. Moreover, most entailed major corporal punishment such as the amputation of a hand or the excision of an eye. The number of cases is not large enough to be definitive, but it is suggestive. There was a growing willingness to use corporal punishment for rape, which seems to contradict the general fourteenth-century Venetian trend away from such penalties.¹⁹ The reasons for this change are unclear. Perhaps with the Forty concentrating on rapes that were considered serious, there may have been a progressive sliding toward the display form of penalty, the mutilation that Venetian authorities believed effective in deterring crime—especially the crime that was thought to be rationally motivated and therefore more serious. A closer familiarity with the law codes for mainland cities administered by Venice in the fifteenth century may also have made the nobility more comfortable with, and appreciative of, sterner penalties for more reprehensible rapes. Also, from the late fourteenth century Venetian authorities had demonstrated a progressive willingness to use torture even in minor crimes to prove guilt. This seems to indicate a general policy that torture and corporal punishment were more acceptable, especially for the lower classes; rape may well have been merely riding the wave of this change.²⁰

Whatever the reason, it is clear that for a small number of serious crimes major corporal punishment had become acceptable. In general, however, penalties reveal rape was a minor crime in the eyes of the Forty throughout our period. If anything, it seems safe to assert that the demotion of

“regular” rape prosecution to lesser councils confirmed a trend already visible in the mild penalties and minimal rhetoric of the fourteenth century, which judged rape a minor crime of little importance to government or society. The victimization of women was just not significant enough to warrant serious concern.²¹

As I have discussed elsewhere in detail, even though rape was a minor crime in the eyes of the Forty, it was a crime of considerable complexity.²² Frequently the Avogadori sought to find a broader context for rape to add to its seriousness. Thus, they tended to emphasize nonsexual aspects of the crime—breaking and entering, abduction, assault on the victim or relatives and neighbors, and theft—as factors that gave the crime significance. But curiously, as in other sexual crimes, these ancillary misdeeds were consistently underpenalized in the context of rape. A robber could normally expect a major mutilation if not an execution at the hands of Venetian authority. Yet, if he robbed in the context of rape, he might expect only a few extra months in jail for his robbery. As noted earlier, this myopia on the part of Venetian authorities seems to have turned on two points: Robbery in the context of rape was a crime of passion, not rational planning, and the men who carried out such crimes were rapists, not robbers.

Rape prosecution was also most sensitive to a woman’s age and status. The victimization of children (*puellae*) was treated with a stern hand. Wives, though much less important, were more valued than widows by the measure of penalties. Unmarried girls of marriageable age, however, found their rapists penalized with little more than a slap on the wrist. When rape struck down the social hierarchy, it could virtually disappear as a crime. If committed in this manner against a single woman of marriageable age, it seemed hardly a crime at all and penalties were negligible. Rapes that crossed social boundaries upward, however, were quite another matter and entailed penalties of unique severity and the full richness of the Avogadori’s rhetoric.

Because I have examined these issues before in print,²³ here I would like to look in detail at four representative years of rape prosecution before the Forty: 1346, 1394, 1467, and 1468. The use of whole years rather than individual cases provides the reader with a sense of the flow and mix of cases the Forty heard. The insignificant in their eyes may be as meaningful for us as the cases they considered major.

In 1346, two years before the first wave of the plague, Venice was already in a period of economic contraction. The city’s doge, Andrea Dandolo, famed for his work as a chronicler and his revision of the law code, ruled a city that was having trouble protecting its Eastern trade routes, securing its necessary food supplies, and overcoming its traditional enmity with Genoa. But tension and uncertainty were typical of the fourteenth century, especially on the economic and diplomatic fronts. For rape it was also a typical year with nine cases prosecuted before the Forty.

In April a goldworker named Giovanni, son of a deceased boatman, raped a neighbor's wife, Caterina. "One night he entered the home where the said Caterina lived and raped her." The Forty sentenced him to either three months in jail or a fine of 25 *lire di piccoli*.²⁴ Involving neighbors, relative social equals, and a minimal penalty, it was a typical crime. The Forty offered little detail, and there is no sign in the language or in the penalty of much concern for Caterina.

A few months later, in July, the Avogadori brought a more serious case before the Forty. A noble, Maffeo Polani, had pestered Isabetta, wife of Pietro di Cremona (the couple was actually from Ferrara), with the hope of getting her to agree to have an affair with him. Finally, having failed to win her favors, he went to the house where she and her husband were living with a Master Peregrino, who taught grammar. There he attempted to take by force that which he had not been able to win by persuasion. In the process he beat Isabetta, threatened Peregrino's wife, Magdalena, and attacked another family member while terrorizing the whole household. Still he did not succeed, and in a rage "he took certain silver objects from a chest and fled."²⁵

Maffeo's deeds reveal much about nobles' perceptions of rape and their social inferiors in practice, and at the same time they say a good deal about the lower orders' responses to such violent attention. The Avogadori's case leaves no doubt that Maffeo's attentions were not new. He had been pursuing Isabetta for some time without success, but also without fear. His noble status gave him an accepted prepotency that he expected would allow him eventually to gain his desires, by force if necessary. In fact, if he had been less disruptive in his attack, he might well have succeeded and avoided prosecution. But in the end his attack on an entire household and his theft of valuable property led to his actions being reported. The Avogadori noted that the case was brought not just by Isabetta; her mother, Rasonese, and her landlord's wife, Magdalena, joined in her complaint. It may have been that these women thought that in numbers they would find a certain safety in initiating the complaint that they were reluctant to make individually. Clearly, Maffeo had finally crossed too many people to escape reportage.²⁶

The Forty's response to the case demonstrates once again the insignificance of rape, especially when the victims were in the lower social scale—even though in this case the victims were apparently quite substantial. Maffeo had fled following the reportage of the crime, as nobles often did. It gave them an opportunity to evaluate their penalty and to angle for a remission if they deemed it too serious to face. Theft was involved as well, which potentially made the crime more serious. But as noted earlier, the Forty apparently saw such theft not so much as a crime of property as one of passion; in other words, they believed that rapists who stole in the passion of the moment were unlikely to be a continued threat to the property of the community. They were a threat to women, not to property.

Taken together, these factors help make sense of Maffeo's minimal penalty of four months in jail plus a fine of 100 *lire di piccoli*.²⁷ In a way, the penalty demonstrates that Maffeo's high-handed ways and lack of fear in pursuing Isabetta were neither foolish nor perhaps unusual.

One early evening in July three artisans, Marco, Giacomello, and Andriolo, broke down the door of the house of Francesco Novelli, who lived in San Trinità. Inside they attacked and raped Francesco's wife, Marina, and Betta, wife of a worker who lived in the same house. They then fled with some of Marina's property. Once again the crime was not merely a sexual attack. Group assault on women was not rare. At all social levels, it seems, men regularly banded together to victimize women. Unfortunately, the Avogadori seldom provide enough detail to allow a close view of the dynamics of such groups. Apparently Marco, Giacomello, and Andriolo had planned their crime in advance. Still, premeditation and robbery did not make the crime very serious in the eyes of the Forty. Having fled, they were sentenced in absentia to serve a year in jail. Typically, the Forty gave them one month to turn themselves in. If they were captured, their one-year sentence would be doubled. It seems they found the year sentence not too daunting, as it is noted in the margin of the case brief that all three came in voluntarily to serve their time.²⁸

Another minor case followed involving a cobbler named Francescino who literally as well as figuratively led a young girl astray. He was, it seems, a trusted friend of his victim's family, for when he offered to take Caterina, daughter of Aymerici, to visit his mother and sister, no one thought to object. The visit, however, was sidetracked by violence when "he knew her carnally against her wish."²⁹ His penalty for this deed—he was ordered jailed until the next Holy Saturday—was so minimal that it suggests there was some doubt about just how forceful the rape was. Both Francescino and Caterina were apparently young, single, and of marriageable age. Perhaps the Forty suspected a marriage trap in this claim of rape. Much as in fornication, claims of rape could be used to force reluctant young men to take on the yoke of marriage. It is clear, as noted earlier, that the Forty punished the rapists of single women with a particularly light hand.³⁰

Their reasoning on these issues was taken to its logical conclusion in the next case tried before the Forty. When Zanino Viscia raped Francesca, who was learning dressmaking at the home of Magdalena dalle Cappe, they ruled that "the said Zanino pay 40 *soldi di grossi* or stay six months in jail or accept as his wife the said Francesca."³¹ It seems that Francesca was willing to accept that solution and move from victim to wife. Table 5 reveals that the Forty occasionally suggested such a response, but probably when the victim expressed an interest in marrying her attacker. The easy conclusion in such cases would be that Francesca used the accusation of rape to secure a husband. Actually, however, fornication prosecution resulted in marriage much more frequently than did rape. There is another,

grimmer reading of Francesca's case and others like it. For many women with limited dowry potential, rape, which robbed them of their virginity and tainted their sexual status in the eyes of their contemporaries, may have meant that their chances of marriage declined considerably. With great pressure to marry and limited possibilities, there may have been a certain dark logic in accepting the attacker as husband.

The last case heard in 1346 brings us back to the nobility. Zanino Sanuto, a noble, was accused by Caterina, a servant of his mother's, of breaking into her room and raping her. He was old enough to be living independently in San Geremie, while his mother and Caterina lived in San Giovanni in Bragole; thus, apparently the crime could not be written off as mere youthful excess or a family matter. Moreover, as we have seen, the nobility was officially quite concerned about those who took advantage of servants and slaves.³² But although the Avogadori prepared the case, the Forty could not bring themselves to prosecute their peer. In the end they voted not to proceed by a vote of twenty-six to nine with four abstentions.³³ The social distance between a Sanuto and a servant made prosecution difficult. This must have added to any uncertainties that members of the Forty may have had about Caterina's motives in accusing Sanuto. It might have seemed an easy way to acquire a dowry. The reality was, however, that women seldom were given dowries in rape cases—children did better on this score—and non-noble women almost never won them from nobles.

Two things stand out in the prosecution of rape in 1346. Penalties were minimal, and the cases suggest that especially when unmarried women of lower social status were involved, the Forty was unwilling to act aggressively. Time will not significantly change these aspects of the Forty's treatment of rape.

By the last decade of the fourteenth century Venice existed in a very different world. To a great extent those dark clouds that had hung on the horizon at mid-century had dumped their storm of plague, war, and economic travail on the city. But Venice had endured. Although threats to the city's prosperity still abounded, she had survived the worst the century had to offer and even had finally defeated her greatest rival, Genoa, in the War of Chioggia. If anything, the 1390s must have been a period of growing power and confidence as the triumph of that war became a proud civic memory and its costs, both economic and social, began to fade. The year 1394 followed yet another wave of the plague and saw disturbing events on the mainland and a growing Turkish pressure in the East. But for Venice it was largely a peaceful year under Doge Antonio Venier, who had served the city for over a decade and was noted for his probity and justice.³⁴ In sum, it was a year of relative stability and confidence.

For rape, as noted earlier, it was a time of heightened rhetoric and in addition a period of somewhat more detailed reportage. The first case heard provides an intimate view of friendship and hardship at the level of

workers in Venice. Facino Bono, a furrier, and Giacomo Albertini, a linenworker, although they were in different professions, were close friends. Interestingly, their friendship was not based on neighborhood, either. They lived in the same *sestiere*, San Polo, but in parishes on either side of it about a ten- to fifteen-minute walk apart. Still, they were close enough friends that when Facino's wife, already burdened by two small children, became pregnant again, he asked Giacomo to lend him his daughter, Maria, age ten, to help his wife take care of the children. It does not appear that such use of children among friends was unusual. In fact, quite a few young girls were adopted into quasi servitude as *filiae animae* in return for support and an eventual dowry. Maria, however, was lent as a gesture of friendship. Thus, at age ten she left her family and parish to move to the other side of the *sestiere* to help out close family friends.³⁵ The move went smoothly for a time, but as she approached puberty, Facino began to look upon her in a different light. Finally, when she reached "twelve or thereabouts," he took advantage of the situation to rape her.³⁶ Though Maria was about twelve, the Avogadori labeled her a *puella*; this, in conjunction with Facino's misuse of friendship, added considerable weight to the crime. Still, the penalty was not severe: Facino was sentenced to six months in jail. More important for Maria and her family, he was required to pay 50 gold ducats for her dowry. On September 3, 1399, at the age of seventeen she was paid her money and interest in order to marry. Thus, to the satisfaction of the Forty at least, Facino paid his debt and assured that Maria would be placed in society as a married woman.³⁷

A case of much less concern to the Forty was heard in July 1394. Again, it provides us with an interesting view of sexuality in the context of the lower classes. The victim, Antonia, was typified as the "friend" and the "woman" of the craftsman with whom she lived. No value judgments were made on the relationship; the matter was reported in the same way a societal placement was usually given for a man or a woman in criminal documents. The implication was clear: They were living together but were unmarried. The number of such informal pairings in society is difficult to estimate. But references to such arrangements in the criminal documents are regular enough to support the assumption that quite a few people lived in such situations, and even the authorities found the custom not particularly objectionable. It should be noted that this fits well with our earlier examination of fornication prosecution. As a crime, fornication was primarily concerned with marriage; we might call it a premarriage crime. Couples who were content not to marry were not prosecuted for fornication. From the Forty's perspective, they were not so much fornicators as individuals not involved in the marriage pattern of a more established social life.

Nonetheless, the government was still willing to protect such relationships—a fact that further supports the assumption that it was a prevalent life-style for the lower classes. When Antonia's man left Venice with the

Flanders galleys, the noble Zanino Foscari took advantage of the situation, broke into her lodgings, and raped her. Typically, the reportage was most laconic, giving the impression that little violence was involved. The penalty in turn was mild—one month in jail and a fine of 100 *lire di piccoli*. Little more than a hand slap, it still constituted a penalty against a noble peer for his violence down the social scale, even though it involved an unmarried woman living with a man outside of wedlock.³⁸

A painter from Padua named Vicenzio was the next rapist prosecuted by the Forty. Sailing down the Brenta on his way to Venice, he met a young girl, Giovanna, daughter of Benedetto, who wanted to go to the city to visit a relative. Vicenzio offered a ride, which the girl unwisely accepted. Women alone with men on boats were frequently victimized, and Giovanna came close to falling into that category. Once under way Vicenzio steered the boat into a stand of cane that bordered the river and with a knife in hand attempted to rape her. Her screams and struggles, however, were enough to daunt her attacker. Apparently some accommodation was reached, for they continued their trip together. Upon their arrival Vicenzio offered to take her to the house of her relative. This time her acceptance was even more unwise. He took her instead to a home he rented in San Cassian, where a certain "breadseller," Francesca, known as la Veniciana, lived. There, with the help of Francesca, he succeeded in his crime, holding his victim for several days and nights.³⁹

A number of things stand out in this crime. First, Giovanna's willingness to go off with Vicenzio suggests an unusual freedom of movement on the young girl's part. Second, the accommodation worked out after Vicenzio's first attack failed calls for an explanation. Giovanna, though she fought vigorously on the boat against her would-be rapist, nonetheless was still willing to trust him enough to continue to Venice, and even there she had faith that he would deliver her to her relative's home. Some of this may be written off to youthful folly—she was only fourteen. Still, it must be kept in mind that many girls were already married at that age and beginning to take on the responsibilities of running a household and of childbearing—that is, the responsibilities of adult life for a Renaissance woman. The ability to return to "normality" after rape attempts or even successful rapes is a strange but recurring facet of life that appears regularly in the criminal records.

As we have already noted, quite a few adultery and fornication cases that began as rapes continued and became nonviolent affairs, some of long duration. What was happening in such cases? In part we can hypothesize that especially at the lower social levels a certain element of violence was associated with sexuality. Further, it might be suggested that some women, socialized to accept their inferior position, may have seen their victimization as a distasteful part of life to be avoided if possible, but nonetheless to be expected. This is not to suggest that victimization was not felt; Giovanna fought against her attacker with enough force to stop

him once even though he was armed with a knife and she was trapped with him on a boat. But when the attempt failed, Giovanna went back to a fairly normal and, with our advantage of almost six-hundred years of hindsight, not nearly wary enough way of dealing with her attacker. Sexual violence against women was too prevalent—virtually too “normal” for women of lesser status—for them to be able to maintain a strong sense of personal inviolability.

A final aspect of this case that warrants comment is that Giovanna at fourteen was labeled a *puella*. Through most of the fourteenth century *puellae* were girls of twelve or younger. Once the age of twelve was passed, girls became women in the eyes of the Forty and presumably society at large. Marriageable, they were thereafter much less likely to win a sympathetic hearing before the Forty; penalties fell precipitously for their rapists and dowries were won much less often. Significantly, at the end of the fourteenth century and continuing into the fifteenth century, the upper age limit of *puellae* began to inch upward. Giovanna's case was one of the first in this age inflation. The Forty's penalty demonstrates that the aging of *puellae* was not a scribal whim or an empty change of vocabulary. Vicenzio was sentenced to six months in prison, but in addition he was required to pay a fine of 600 *lire di piccoli*, 400 of which were destined for Giovanna's dowry. The Forty clearly saw this young girl as an innocent child, not as a young woman attempting to snare a husband with a claim of rape.⁴⁰ The trend would continue. But a question remains. Was the Forty changing its perception of the maturity of young women or was the age when young women reached puberty changing? We know that the age of menarche can vary with diet and environment. Do these cases mean that such a change was occurring at the end of the fourteenth century? Giovanna's case and a number of similar cases suggest that such a hypothesis merits consideration and further investigation.

Nicolò Conte's attempt on Alegrecia, wife of Concordantes Bonseblance, reveals the problems encountered by the Avogadori and the Forty in distinguishing between attempted rape and attempted adultery. Many cases were framed in a manner to suggest that without clearcut evidence of violence and violent resistance, the authorities were often vague about what crime they were prosecuting, and perhaps intentionally so. One advantage of tailoring penalties to each crime was that members of the Forty could propose and vote on a range of penalties they perceived as fitting the specific crimes before them without having to fit that crime into a specific category of rape, adultery, or fornication when the issue was not clear. Once again the males in this case were close friends: “He [Nicolò] talked with him [Concordantes] day and night, being great friends.”⁴¹ But that close association led to problems when Concordantes left with the fleet for Beirut and his friend transferred his attentions to his wife. Shortly after the fleet left, Nicolò hid himself in Alegrecia's room under her bed. Rapists often adopted such tactics, according to the records

of the Avogadori, when husbands were away or when women were known to be alone and unprotected. But to be privy to such information, the culprit generally had to be a friend or a neighbor. A priori there was nothing that precluded friends and neighbors from becoming violent attackers; in fact, such close contact was and is the frequent context of rape. But in Nicolò's case, as in a considerable number of others, violence was less clearly involved. The Avogadori evaluated his aims as follows: "He hid himself in that room under a bed hoping *if possible* [italics added] to have sexual relations with the aforesaid Alegrecia, wife of Concordantes, she being young and innocent."⁴² The "if possible" seems to imply that Nicolò sought Alegrecia's consent. But he had put himself in a very compromising position merely to ask a question; thus, we should probably assume that his "if possible" would include a certain level of violence as well, if necessary. Whatever he had in mind, he was discovered hiding in the room before he could make clear his intent, and he fled. Attempted rape or adultery remained a problematic issue that ultimately the authorities left undefined. For them it was enough that Nicolò had broken into the house and hidden under the bed with the intention of having Alegrecia, wife of his good friend.

Nicolò may have hoped for acceptance, but the hiding-under-the-bed mode of attack was both common and often violent. Perhaps this was another instance in which the rapist hoped his violent attack would lead to an affair. Many cases suggest such an expectation, and as we have seen, fornication and adultery reports reveal that it was not so unlikely a hope as we would assume. The literature of the period also seems to have been fascinated with the theme of the forced acceptance of love. Boccaccio's tales come immediately to mind, and even the supposedly dour Machiavelli could risk a chuckle in updating Plautus's classic comedy putting Callimaco into the bed and innocent arms of Lucrezia. The *Mandragola* seems almost a more clever and successful remake of Nicolò's attempt, with Callimaco revealing himself to Lucrezia and becoming her lover only after securing his ends with trickery and certainly without her consent. Nicolò's attempt was not, however, seen as a comedy by the Forty. Even though he failed miserably, they sentenced him to a full year in jail and a fine of 100 *lire di piccoli*.⁴³

The next rape tried before the Forty was a similar case with a similar penalty, although the violence of the attacker, Egidio Nigro, was much more evident. Egidio lived in the same house on the floor below his intended victim, Zanina, wife of Zanino di Francesco. According to the Avogadori, Egidio had "often followed around Zanina, wife of the aforesaid Zanino di Francesco, uttering most dishonest words to the dishonor of the said woman, asking her to have carnal relations and associate sexually with him."⁴⁴ Rejected, rather than giving up his campaign, he escalated it, threatening Zanina. Finally, at this point she told her husband about Egidio's attentions. The timing of her complaint is instructive.

Only when her neighbor moved on to threats did she feel a word to her husband was necessary. He in turn may have been troubled by her report, but he took no action against his neighbor and, in fact, shortly thereafter left Venice without bothering to make any provisions for his wife. Zanina also was curiously negligent, for the Avogadori reported that when Egidio decided to take advantage of the situation, he tried the door to her lodgings one evening at the supper hour and found it unlocked. Zanina and her husband apparently did not take Egidio's propositions and threats seriously, suggesting again that such attentions were not rare. But Egidio's talk was not mere banter; his threats were real. Coming upon Zanina at the top of the stairs, he grabbed her by the neck and violently attempted to gain his goal. But Zanina fought back "manfully" (*viriliter*) and with such vigor that he finally gave up and fled. Zanina then told Egidio's wife and a few friends about the attempt. In this way the matter finally came to the Avogadori's attention. Throughout, one gets the impression that Zanina was trying to keep the matter as quiet as possible, even though it seemed to have escalated dangerously from words to threats to violence. Nonetheless, when the state stepped in, a problem that Zanina had attempted to keep private became a public concern. Egidio was arrested, confessed his crime, and was sentenced by the Forty to a year in jail. They added, with a nice touch, that Egidio and his family could no longer rent the floor below Zanina and her husband.⁴⁵ Egidio's crime was punished and the dangers of neighborly contact were eliminated, but otherwise the penalty was much the same as Nicolò Conte's in the apparently less violent case of a few months earlier.

Neighborhood and friendship were frequently associated with rape, but the victimization by nobles of women of lesser status was another regular aspect of the crime. Paradoxically, one of the better indications of the status and power that made this type of rape so prevalent was the case heard next by the Forty, which did not involve any nobles. Damiano and Paolo Blanco, carpenters, along with Nicolò Giudici, a dyer, decided one night after having dinner together to attack Caterina, daughter of Elena di Zara. Claiming to be nobles of the Morosini clan, one of the largest and most powerful families in Venice, they gained entrance to their victim's room, raped her, and then left, carrying off an unspecified quantity of goods. In a way these artisans used their claim of nobility as other malefactors used violence to get at their victim. In this case, the claim of superior status was as effective as more straightforward violence.⁴⁶ Although the Forty did not punish this as a particularly serious act, they reveal once more their antipathy to planned crimes. Damiano, who had been cunning enough to suggest the noble ploy and talk his friends into the crime, was sentenced to six months in jail and a fine of 100 *lire di piccoli*. Paolo and Nicolò, even though the records make it perfectly clear that they also raped Caterina, were sentenced to a mere month in jail and a fine of 50 *lire di piccoli* each. Cleverness and foresight in criminal matters were not attributes the Forty favored.⁴⁷

By the biennium 1467–1468 Venice had become well established as a territorial power in Italy. Long-distance trade, always to a degree balanced by local trade, now competed with increasing investments in land and agriculture. The Turks had developed into the city's primary problem in the East, in a way replacing the Genoese of a century earlier. But perhaps most important, Venice had reached her full stature as a Renaissance city—the city that would become the republican model even for Florence. In addition Bessarion had retired to the city and in 1468 would give his library to it. A Venetian noble, Pietro Barbo, had been elected pope a few years earlier. Jacobo Bellini was painting in the Scuola di San Marco. In sum, it was a period of culmination, the harvest time, one might claim, of Venetian power and prestige before the disruptions of the turn of the century. Even the return of the plague—a major outbreak had occurred three years earlier—no longer seemed such an apocalyptic sign of the impending dissolution of civilization at the hands of an implacable divine wrath. Certainly people could still speak in those terms at times, but after more than a century the plague was a better-known quantity.

For our examination of rape, however, a technical change of major significance had occurred. In late September 1467 the Avogadori brought a case against the Capi di Sestiere, alleging that they had acted incorrectly in sentencing Giovanni Lombardino for the attempted rape of his own adopted daughter, Eufemia, a child of ten. Unfortunately, the Avogadori never spelled out their objection clearly, arguing only that the Capi di Sestiere's ruling "has no force because such cases are not the responsibility of the said Capi di Sestiere."⁴⁸ As noted earlier, the cases the Avogadori continued to hear in the mid- and late fifteenth century were the most serious. Giovanni's attempted rape fits that criterion on a number of counts, involving as it did a ten-year-old and the victimization of an adopted daughter by her stepfather. The Forty agreed with the Avogadori and the case was brought before them in early October. As a result, Giovanni was sentenced to a year in jail plus a fine of 150 ducats—50 to be paid to the Avogadori and 100 to be invested for Eufemia's dowry. In addition they ruled that an "honest place" was to be found for Eufemia to live until she married.⁴⁹

It is significant that the Forty ruled that this case should be investigated by the Avogadori and heard by them. That they had the ultimate right to make such decisions provides a strong argument for the supposition that they had divested themselves of responsibility for minor rape. In the fourteenth century it was already apparent that the Forty considered most rapes minor crimes largely unworthy of the time and effort expended in formally trying them before the council. In the fifteenth century they shed that responsibility by passing it back to lesser councils like the Capi di Sestiere, but reserved the right to hear serious cases. This was a traditional form of evolution in Venetian criminal procedure. As the perception of a crime became more complex, it would be broken down and heard by various councils, depending on its perceived importance.⁵⁰

This process, of course, plays havoc with figures on the number of rape cases prosecuted. But realistically these figures are not too significant, given the problematic nature of any claim that would suggest that such levels reflected actual levels of sexual violence. What we have is something more interesting: a perceptual filter in the Avogadori's selection of cases to try before the Forty that provides a closer focus on what fifteenth-century Venice believed was really troubling about rape. Thus, those rapes that did not particularly concern the ruling group, even in the fourteenth century, were filtered out, leaving a residue of the most serious ones. The case of Giovanni's rape of Eufemia demonstrates that when the filtering process did not seem to be working properly, the Avogadori and the Forty were willing to step in and set matters right.

The first case heard by the Forty in 1467 reflects this filtering effect. A noble, Pelegrino Venier, had raped a young noble girl, Marcella Marcello, while he was a state official abroad. Although the case brief was typically laconic with the violence of the crime minimized, the Forty sentenced Pelegrino to a year in jail and a fine of 1,600 ducats for Marcella's dowry. Eufemia's award of 100 ducats pales by comparison, but at the upper social levels 1,600 ducats was not an extravagant dowry. The Forty also gave Pelegrino the option of agreeing to marry his victim within one year, thus avoiding all penalties. Apparently he seemed a good catch to the Marcello family and Marcella was willing or persuaded to go along. As a result, "on Sunday 12 March 1468 ser Pelegrino Venier took lady Marcella as his lawful wife before the honorable lord Avogadori of the Commune and others in the parish of San Cancian."⁵¹

In this case it is not particularly difficult to see the elements that warranted a trial before the Forty. When rape involved two important noble families, it required a broader consensus than could be gained from hearing it before a small and relatively unimportant police council like the Capi di Sestiere. The Forty, with its size and tradition, though not the Senate, still provided a larger noble forum that put both families on notice that their peers considered the matter settled. Pelegrino's status as a government official at the time of the crime added an extra dimension. In a way, the crime might have been considered malfeasance in office as well as rape. Such crimes were also regularly the responsibility of the Avogadori and the Forty.⁵² Finally, the decision to set such a major dowry (major in comparison with the dowries usually assessed for rape) and the attempt to act as matchmakers at such a high social level may have been thought to require the Forty as a forum. But perhaps it would be enough to simply conclude that cases that involved noble victims were still significant enough to require the Forty because they involved much more than violence against a woman.

Only these two cases were heard by the Forty in 1467, one involving the rape of a minor by her stepfather and the second involving two nobles. The year 1468 continued in much the same tradition with cases involving

minors or those with a certain social status. The first case, heard in April, was against Giorgio Franciganas, an artisan. There is no difficulty in understanding the seriousness of his crime. He was accused and convicted of raping his own illegitimate daughter when she was ten years old. For this rape of a child and incest he was sentenced to two years in jail followed by perpetual banishment.⁵³ By the Forty's standards this was a most serious penalty. Such crimes were being prosecuted more often in the fifteenth century both as rape and simple fornication. It may be that daughters, including adopted daughters, were being victimized more, but it seems equally probable that the expansion of government discipline begun in the fourteenth century may have been reaching a logical conclusion.⁵⁴

The next case also involved a ten-year-old girl, Marieta, daughter of Francesco Valentini. Marieta was at the home of a carpenter named Nicolò Trevisano, visiting with his mother. Again friendship and perhaps neighborhood were factors in this rape. Marieta, wishing to relieve herself, was instructed to retire outside under some stairs in what was presumably a fairly private location. But Nicolò followed her, grabbed her from behind, and, throwing up her dress, raped her. Here age was the primary reason the Forty heard the case; in fact, more and more of the cases heard by the Forty at the end of our period involved *puellae*. Although they sentenced him to only three months in jail, they helped to assure a future marriage for Marieta by fining him 200 ducats to be invested at the Grain Office for her dowry.⁵⁵

The last case of 1468 concerned a nobleman, Tomaso Bembo. Although the brief is cryptic, it appears that he had raped a certain Caterina when as a child she worked in his father's household. There is little mention of violence, virtually no mention of the crime itself. Moreover, Caterina, as a servant of the family, did not even complain about the crime when it occurred. Only when she married Giovanni Mascellarino and left the service of the Bembo family did she decide to report Tomaso's attack. One may assume that Caterina had many peers who never did feel secure enough to complain about their master's behavior. There were good reasons for silence. The rich and powerful could make silence wise if not profitable. In addition, justice was in the hands of the Venetian nobility. Servants and ex-servants could be forgiven the assumption that their cases had small chance of being won or of earning a significant judgment in their favor. A goodly number may have been more anxious to maintain their place than to complain about their victimization. Even in the unlikely event that they did win a conviction, they stood to gain little more than limited vengeance and the enmity of the rich and powerful. Caterina's case, in a way, is the exception that proved the rule. Seventeen of the thirty-two members present at the meeting of the Forty voted to prosecute Bembo. This was the barest of majorities. But their sentence was minimal; for this rape of young Caterina, Bembo was required to pay her

20 ducats.⁵⁶ A noble had been brought to justice for raping one of his family's servants, but it was not the kind of action that would strike fear into the hearts of other offending nobles. One is tempted, moreover, to wonder how much enjoyment Caterina and her husband, Giovanni, got from their 20-ducat indemnity in relation to the animosity they earned from the Bembo clan. For most others, however, a more pliant course of action must have seemed safer and wiser.

Perhaps this unpleasant aspect of a strongly hierarchical social structure has not been given its due in our vision of premodern sexuality and family life. Women of the lower social orders, especially servants and slaves, were potential sexual victims who often had little hope of protection. Thus, many faced two possibilities: passive submission or a certain promiscuity perhaps aimed at gaining whatever advantage was possible. In a way, the cases heard by the Forty of sexual violence that moved down the social scale speak to more than rape. They reveal those few women who for some reason did not fit in the typical passive-promiscuous dichotomy and instead brought their attackers to justice.

A significant proportion of rape, however, fits another pattern: intercourse between social equals who were often neighbors or friends. These crimes, which largely disappeared from the Avogadori's records in the fifteenth century unless they involved children, incest, or some other unusual factor, were of relatively small concern to the Venetian nobility. As a generally passionate crime of violence against women, they struck very few of the perceptual keys that troubled those who ruled. Thus, penalties were minimal, and even the language of the cases tended to be antiseptic and cool. In the end the prosecution of rape reveals a continuing low evaluation of the crime and in turn an enduring tradition of limited concern for protecting a woman's sexuality and personality. At times fornication and adultery at least reveal a more positive side of Venetian sexuality with glimpses of affectionate pairing and even play; but rape brings us back to a grim reality that stalks the history of male-female relations in the West.

VI

Sodom and Venice

“As it is clear from Divine Scripture that our omnipotent God, detesting the sin of sodomy and wishing to demonstrate that fact, brought down his wrath upon the cities of Sodom and Gomorrah and soon thereafter flooded and destroyed the whole world for such horrible sins, our most wise ancestors sought with all their laws and efforts to liberate our city from such a dangerous divine judgment.”¹ With these words of fear the Council of Ten in 1458 introduced yet another piece of legislation designed to control the crime of sodomy by tightening public surveillance and increasing the number of patrollers specifically assigned to the problem.

Leaving aside for the moment what sodomy meant to the Ten, the language of this *parte* illustrates that it was a matter of grave concern to Venetian authorities. While the rhetoric of sex crimes against God stressed that God was close to man and could be hurt by human sexuality, the rhetoric of sodomy emphasized a different vision. God had become an immensely powerful and potentially destructive entity. He had moved from victim to vindictive omnipotence. Ignoring the theological accuracy of the Ten’s interpretation of the Old Testament tales of Sodom and Gomorrah,² the nobles on the Ten considered the Flood and other biblical events historical proof that God was violently against sodomy.

The apparent paradox here—God hurt but not vengeful about certain types of sexuality, God wrathful about others—might be understood in a number of ways. Perhaps the simplest, given the biblical exegesis of the age, was that God had not shown his wrath over any other crime so directly. But at a deeper level I would like to suggest another, less historical, perhaps less conscious connection. Sodomy threatened to undermine the basic organizational units of society—family, male-female bonding, reproduction—which struck at the heart of social self-perceptions. Fornication with nuns certainly hurt God, but sodomy destroyed society with

or without his wrath. That this dissolution of the social fabric was then associated with God's omnipotent destructive power may not have been so much a misreading of the Bible as a reading that fit nicely with the fears of an increasingly complex society.

Whatever else a study of sodomy in fourteenth- and fifteenth-century Venice teaches, it reveals the major role of fear in this sex crime as in no other. We need only turn briefly to the penalties imposed for the crime to see that the nobility was much more disturbed by sodomy than by any other act that crossed the boundaries of accepted sexuality. Death, usually by burning, was the normal penalty—a far cry from the two-year jail sentence plus fine required for fornication with nuns or the even milder penalties for other sex crimes. Sodomy struck a deeper chord laden with overtones of fear.

The rhetoric of prosecution, however, is more difficult to trace than in other crimes because prosecution during our period moved from the Signori di Notte to the Council of Ten. The former were detailed in their description of the crime, the latter considerably more laconic but given to occasional flights of fearful rhetoric that are most suggestive. The first surviving register of the Signori di Notte begins in the year 1348, and one of the first prosecutions involved a sexual relationship between two servants, Pietro di Ferrara and Giacomello di Bologna. The two men shared a bed, a facet of life not that unusual in the Renaissance. Although they shared the bed, they did not share a common view of the crime they were accused of committing. Pietro, after extensive torture by the Signori di Notte, admitted to having had sexual relations with Giacomello several times involving ejaculation between his thighs without, however, anal penetration. Giacomello's version of the same events was quite different. Also under extensive and repeated torture, he stuck to the claim that while sleeping with Pietro, he had refused the other's direct physical advances several times, chastised him, and moved away to other beds to avoid his propositions. His story was suspicious on a number of grounds, perhaps most so because it was unclear why Giacomello returned to Pietro's bed time after time when apparently other beds were available. The Signori were obviously troubled by this as well as by Pietro's confession that he had been successful several times with Giacomello. Thus, they felt justified in torturing Pietro repeatedly. Ultimately, however, without a confession Giacomello was absolved. This may seem strange, but, as we shall see, the passive partner was normally given a comparatively mild penalty anyway. It may have seemed to the Signori that Giacomello had paid his due during torture even without a confession and a conviction. Moreover, Pietro never made clear to what extent Giacomello had willingly participated in the relationship. In fact, in their first encounter, he reported, Giacomello appeared to sleep through the incident.³

Pietro, having confessed his active role in "unnatural intercourse," was not so fortunate, paying Venice's stern price for his passion—he was

burned alive between the columns of justice before the Ducal Palace. The Signori, with rhetoric reminiscent of other sex crimes, described his actions thus: "Instigated by a diabolical spirit and rejecting all love of God with will and aforethought [he] committed these sins against nature."⁴ "Diabolical spirit" has by now a familiar ring; along with "diabolical desire" it was a norm for sodomy cases heard by the Signori di Notte. Nonetheless, it is significant to find this phrase having continuity across several different sex crimes and before more than one council. Pietro's rejecting "all love of God" might at first sight seem unique, but actually it is just a more positive form of the usual "not keeping God before his eyes." Rejecting God's love and not keeping him before one both imply a turning away from God that was the essence of the medieval concept of man in his fallen and sinful state.⁵ This concept of turning away from God was replaced in some cases by "not fearing God" or "not fearing God's judgment." Both were essentially an underlining of the consequences of turning from God and thus acting in a state of sin.⁶

Pietro's will and forethought in committing his crime were again familiar themes of case rhetoric. Intention, as we have seen, added to the seriousness of the crime. Without it, it was often unclear whether a crime had really been committed. This distinction cut across criminal prosecution and was a determining factor in the murder cases regularly investigated by the Signori.⁷ Thus, their interest in the intention of sodomy cases merely confirmed a more general concern of Venetian criminal prosecution. Still, it is significant that the rhetoric of intention once again moved across several sex crimes and more than one council. "Diabolical spirit," "turning from God," and intention were general referents for sex crime.

Pietro's "sin against nature," however, was a label largely restricted to sodomy. There it was an enduring theme, while for other sex crimes even the concept of sin was seldom mentioned. Sex crimes against God, for example, where we might expect similar language, seldom cited sin as an issue—there, as in most other crimes involving sex, it was only implied by the vision of the criminal turning from God or not keeping God before him. But in sodomy that implication was made implicit in the traditional labeling of the crime as a "sin against nature."⁸ As suggested by the extreme penalties, this type of sexuality struck a deeper chord that called for reference to the concept of a most basic sin that attacked both God and his creation. Thus, though sodomy rhetoric was usually fairly reserved, it had the most extensive religious language of sex crime.

This brings us back to Sodom and Gomorrah. It would be impossible to demonstrate how much the fear of those biblical examples motivated the merchant-banker nobility of Venice, but their laws against sodomy make frequent reference to such dangers.⁹ In one case the Ten even took up the issue of sodomy aboard Venetian ships, with the expressed fear that if allowed to continue uncontrolled, the sin might lead God to destroy the city's fleets.¹⁰ Such legal rhetoric is hard to gauge. The rhetoric of criminal

cases tended to be more immediate and direct. It was not particularly designed to win favor for significant changes in law or procedure or to demonstrate much in the way of protohumanistic elegance. Rather, it aimed at describing an immediate crime and at most drawing out its broader significance. At the level of major legislation with the practical force of law, that broader significance was often elaborately outlined in a preamble designed in part to win support and also to show a certain elegance. Thus, a decision on a particular case elicited a more restricted and familiar rhetoric, while legislation on sodomy tended to draw on a more complex and perhaps less felt set of rationalizations. The case brief was the meat and potatoes of prosecution, we might say, while the prologue of legislation was the gourmet dinner of criminal rhetoric. The danger here, then, is that in sampling the more varied fare of legislative language, we may be missing the tastes of everyday life. The destruction of Sodom and Gomorrah or the sinking of the fleet may have been merely the spice of fear that made such legislation more enticing. But two things suggest strongly that this was not the case. Obviously, the penalties imposed point in that direction. Not only was burning a penalty that supported stern rhetoric, it seemed to hark back consciously to the burning of Sodom and Gomorrah. Just how seriously this was taken by the very practical and politically sensitive members of the Council of Ten is indicated by a proposal they considered in 1445. Clearly troubled by the brutality of burning sodomites alive, they sought a way to make the execution less painful and yet allow the salvation of the convict's soul. Burning alive was seen as necessary "so that if the body is burned up by fire the flight of their souls is not damned."¹¹ To escape this dilemma, it was suggested that the convicted man be placed on a board with his neck tightly chained so that when the board burned away, he would be strangled. Thus, with rather convoluted reasoning, his body would be burned so his soul could be saved, but death by strangulation would be mercifully quicker.¹² After several close votes the Ten finally rejected the proposal, but they were clearly concerned with the theological import of their actions in quite practical ways, as their general rhetoric and gruesome penalties implied.

It is worth suggesting also that the reality of these fears in the eyes of the merchants and bankers who ruled Venice must have been underlined by the recurrent outbreaks of plague that so deeply troubled Renaissance society. As noted earlier, the God of Renaissance man was close, personal, and, in a way, familiar. The plague proved that the same God and the destructive threats of the Old Testament were real and present dangers, not aspects of another dispensation, as certain more confident theologians of the twelfth century had claimed. God's wrath was felt directly and periodically with a reality that must have made Sodom and Gomorrah all too real even for reputedly hard-headed merchants and bankers.¹³

Others at times attempted to spread the nets of fear more widely. Marin Sanuto reported in his diaries:

On Christmas Day [1497] the Doge as was customary went to hear the sermon in the Church of San Marco and heard a certain Timeoto da Lucca of the Order of the Observants of Saint Francis. He gave a good sermon and among other things said: "My lord, you close the churches for fear of the plague and you do so prudently. But, if God wills it, it would not be necessary to close them. This could be avoided if you would eliminate the causes that lead to the plague, which are the horrible sins that are committed [in this city], the blaspheming of God and the saints, the societies of sodomy, the infinite usurious contracts made at the Rialto and above all the selling of justice and the policy of aiding the rich at the expense of the poor. And think, when some lord comes to Venice, he is shown the convents of nuns, not convents so much as whorehouses and public bordellos. Most Serene Prince, I know that you are not ignorant and that you know this better than I. Overcome this, overcome this and you will overcome the plague."¹⁴

On the whole in the fourteenth and fifteenth centuries the Venetian nobility, at least in its judicial rhetoric, was unwilling to be so all-inclusive. In sexual matters, as we have seen, this was largely because most crimes were conceptualized on a more pragmatic level even when language occasionally touched transcendent principles. This is not to suggest that individuals within the nobility did not share Timeoto's vision. Even Sanuto, reputed to have been a homosexual himself,¹⁵ reported Timeoto's charges positively. Significantly, however, the language of crime did not link a broad range of misdeeds into a theological structure that could be related to the plague or some other form of God's wrath. In fact, what stands out about sodomy rhetoric was that it was the one area where such fearful connections were made with some regularity.

But it must be noted that these connections were made largely in the context of the Council of Ten's general rulings on sodomy in the fifteenth century. Their case rhetoric was actually considerably less developed than that of the Signori di Notte. Occasionally the Ten referred in their briefs to all of the themes used by the Signori in the fourteenth century: "that most infamous deed,"¹⁶ "the most foul crime sodomy,"¹⁷ "the most infamous sin of sodomy,"¹⁸ and "moved by a diabolical spirit of sodomite desire."¹⁹ A similar restraint in the fifteenth-century language has already been noted for each of the other crimes, except sex crimes against God, examined here. Sodomy, then, even though it moved from one council to another, appears to have followed the general pattern. It would be satisfying to leave matters there with a continuity of language change over time for virtually the whole spectrum of sex crime, but an important qualification must be made. From its inception in the early fourteenth century the Ten had consistently been laconic in its case briefs. To a large extent this

may have been because they dealt with matters that were deemed extremely sensitive. Thus, it may well be that the Ten, in taking over the prosecution of sodomy because of its extreme sensitivity,²⁰ limited the rhetoric of their cases in their own tradition rather than in response to a more general trend. If we are forced to decide between the two interpretations, the latter seems more likely. Tried by different councils, treated with unusual severity and moral fervor, sodomy was perceived as quite different—too different merely to follow the general trends in rhetoric. In addition, as we shall see, sodomy was one of the few sex crimes that was viewed by the nobility as becoming more serious in the fifteenth century; thus, its rhetoric was unlikely to follow the common pattern.

In discussing the language of sodomy prosecution, we have ignored a question that takes us from language to practice: What did the term *sodomy* mean to the Venetian nobility? As noted previously, it referred to certain sexual practices that were perceived as a sin against nature. But history and anthropology agree that one man's sin against nature is another man's norm. Generally, at this point one is able to retire modestly behind the silence of the documents with a few a priori conclusions that reveal more about current values than those of the society studied. The Venetian documentation, however, allows no such escape. Especially in the fourteenth century the Signori di Notte recorded detailed physical descriptions of the crimes they prosecuted as sodomy. Most of those acts would fall under the modern rubric of homosexuality.²¹ The primary exceptions were "unnatural acts" with women, mainly anal intercourse, and "unnatural acts" with animals, examples of the latter being quite rare in Venice's urban environment.

Prosecution for homosexuality focused on two themes: anal intercourse and its external simulation between the thighs of a passive partner. In each case the crime had a definite social dimension that suggests that masturbation in private was not considered an "unnatural act" or at least unnatural enough to be labeled sodomy. In fact, several cases suggest that masturbation, though not approved, was considered fairly normal for sexually active males. This is shown perhaps most clearly in an unusual case that involved a man and a goat. As part of his defense the artisan named Simon claimed that "he had not been able to have sexual relations with a woman or masturbate (*corumpere se*) for more than three years because of an accident."²² The "*corumpere se*" that the Signori used to label masturbation had a negative connotation, but it was placed in the context of "normal" sexuality. Simon, unable to have normal relations with a woman or to masturbate, had given in to the temptation of a goat. The first two, in the context, were considered normal; the last was not.

Given the seriousness of the accusation of sodomy, the Signori investigated Simon's claim with diligence. First they brought in a team of physicians and surgeons (Masters Tomaso di Friuli and Zanze di Armenia, physicians, and Masters Tadeo di Ferrara, Bandino di Venezia, and Bar-

tolomeo di San Felice, surgeons) to carry out an examination to see if there was something physically wrong with him.²³ After a careful examination they concluded that "the said Simon has a normal member to the extent that it can become erect, but he has a defect in his testicles which leaves him little sensation and as a result he can neither emit sperm nor be healed. Nonetheless, he can have an erection."²⁴ Medical opinion was one thing but more practical expert opinions were sought as well: "The Signori di Notte had two prostitutes carry out many experiments to see if the said Simon could in any way be corrupted."²⁵ Both examinations at least implied some masturbatory stimulation, but that was all recorded as an innocent aside. As an innocent aside, however, it is most revealing. The Signori were not the least interested in masturbation here except as it related to Simon's intercourse with a goat. Once they were convinced that he had at least a medical excuse for that, they were willing to spare him the required penalty for sodomy. Thus, though labeled a sodomite, he escaped being burned alive. Instead, they cut off his right hand and had him branded and beaten. The insignificance of private masturbation suggested by Simon's case is reinforced by the fact that the Forty, the Signori, and the Ten in our period did not attempt to prosecute it; in legal practice, at least, it was not effectively a type of "unnatural sexuality."²⁶

Even group masturbation that did not involve physical contact went largely unprosecuted. In 1474 a noble, Andrea Coppo, was accused "of agitating his viril member most evilly in the presence of Marino, a goldworker."²⁷ The Ten was careful to make clear that there was no physical contact between the two. This may have been designed to protect Coppo, a noble, from paying the penalty that sodomy required. If so, they struck the correct perceptual key, for after a number of hung votes they finally decided not to proceed against him at all. Still, the Ten was willing to execute nobles when contact could be proved; thus, it appears the lack of physical contact played a major role in his escaping prosecution. Masturbation seems not to have been viewed as a serious matter.

But when physical contact became involved, perceptions changed quickly. One of the most frequently prosecuted forms of sodomy was the simulation of intercourse between males; the case of two servants, Pietro di Ferrara and Giacomello di Bologna, discussed earlier, was the first reported example of this form of the crime. Another suggestive case that reveals also a dominance aspect frequently associated with sodomy involved Nicoletto Marmagna, a boatman, and a servant of his named Giovanni Braganza. Their sexual relationship began about three or four years before they were arrested. On a trip from Mestre to Venice—not exactly a long haul—they decided to sleep the night on Nicoletto's boat rather than row on to Venice. According to Nicoletto's testimony, he waited until Giovanni was asleep, then slipped into bed beside him and "put his viril member between his open legs from in front in such a manner that he corrupted himself and emitted sperm."²⁸ Nicoletto claimed,

however, that Giovanni was unaware of the deed.²⁹ It seems that he was trying to protect his servant-lover, for Giovanni admitted that he had been aware of what was happening. He also reported, however, that in the beginning he had been reluctant to consent to his employer's continued demands but had finally given in "because he threatened to kill him and thus Giovanni out of fear allowed and permitted him to do as he pleased."³⁰ Nicoletto's pleasure was then to follow this same pattern. He set Giovanni up in his own house with a private bed and regularly came to him in the "first hours of sleep" to have intercourse with him "from in front between his thighs." In fact, Giovanni seems to have profited from this relationship with his employer, as the latter married him to one of his nieces and took him into the family. Also, threats of violence and death, not unlike those in other sex crimes, seem to have developed into something more affectionate, suggested by Nicoletto's attempt to protect Giovanni by claiming he was a victim, and an often unaware one at that. But Giovanni eventually confessed that he had recently begun to reverse roles with Nicoletto, an admission that, aside from demonstrating an evolving relationship, undid Nicoletto's attempts to protect his lover and sealed his doom. Both men were ordered burned alive.³¹

Throughout the long affair Giovanni and Nicoletto appear never to have engaged in anal intercourse. The Signori, carefully cataloging their actions, repeatedly described their contact as external between each other's thighs. This selectivity reflects a pattern typical of the case histories in the fourteenth century that implies a number of those investigated stopped at this level, with only a few moving on to anal intercourse. It appears that some were uninterested in anal intercourse, others engaged in it exclusively, and a few went from the former to the latter over time. Evidence of this development is available because the Signori usually presented the entire case history of the accused.

Their prosecution of a government herald, Benedicto, nicknamed Capello, reveals a man who at the time of his arrest was primarily interested in anal intercourse (though he had trouble with impotence and could seldom gain his goal) but had earlier had a long affair with a Saracen involving only external contact.³² The case is interesting because it reveals a relationship that seems to have followed, probably unwittingly, the classic Greek pattern of an educational partnership between an older man and a young boy. Antonio, the passive partner, a youth of thirteen, claimed that their relationship was one of "friendship" based on Benedicto's "teaching him like a master."³³ It appears that Benedicto was teaching him the business of being a herald, for most of their sexual encounters occurred while they worked together around the Ducal Palace and in the public offices of the city. A decidedly risky way to proceed, but in the end they were reported by two neighbors, Dymota, wife of ser Giovanni di Spagna, and Blanca, wife of Menegi. Through a chink in a wall these two had spied them making love and raised a hue and cry that

eventually led to the pair's arrest. The affair had begun, however, in circumstances that were even more public, in the hall reserved for meetings of the Council of Forty in the Ducal Palace. According to Antonio it was in those chambers that Benedicto suddenly "raised his clothes from behind and pulled down his pants, then pulled down his own in an attempt to put his member in the anus of the said Antonio. Though it was erect, he failed and thus he corrupted himself bathing Antonio's backside. Afterward he let the said Antonio go, giving him two *denari piccoli*."³⁴ Benedicto's account of the same incident attributed his failure to a recurring problem with impotence.³⁵ Nonetheless, the affair continued with Benedicto regularly attempting anal intercourse but seldom succeeding. When questioned about other homosexual contact, Benedicto confessed that "it was a fact that many years ago he had committed the said sin many times with a certain Saracen of the house of the Da Mosto family whose name he no longer remembered, proceeding by . . . lying down on top of him and putting his erect member between the thighs of that Saracen and in this way most times he corrupted himself."³⁶ Thus, Benedicto reported his earlier activity as being without penetration, while his later activities regularly attempted it.

The Ten's reportage of homosexuality in the fifteenth century was much more formulaic than that of the Signori in the fourteenth. As a result, it is unclear whether homosexuality followed similar patterns. Still, there are indications that anal intercourse may have become more prevalent or at least of more concern. A few cases even moved the Ten to drop their cryptic style of reportage and make direct reference to such intercourse when the crime was seen as particularly heinous. For example, in 1462 the eight-year-old son of the noble Francesco Barbaro was the victim of a homosexual rape by two non-nobles. The Ten, as one might imagine, were so troubled by the crime that they gave up their normal reticence to report the child's cries of pain and the physical damage caused by forcible anal intercourse.³⁷ A less violent case, which may have warranted more detail because it involved a group of young boys, also referred to anal sex.³⁸ But such reports in the Ten were rare. More significant is legislation passed in that council in 1467 requiring surgeons and barbers to report anyone treated for damages resulting from anal intercourse. Similar legislation had been proposed twice before, in 1453 and 1461, but had failed to win the votes to pass. Apparently, by mid-century the crime had become serious enough that the aid of medical practitioners had been considered, but it took time and apparently a growing fear of the prevalence of anal intercourse for the measure to be passed.³⁹ The 1467 regulation ruled:

To eliminate the vice of sodomy from this our city is worth every concern and as there are many women who consent to this vice and are broken in the rear parts and also many boys are so broken and all these are treated, yet still none are accused and their deeds go unpunished; therefore, because it is wise to honor God, just as blows with weapons

are denounced to the Signori di Notte [by medical practitioners], so too those who are broken in those parts be they boys or women are to be denounced . . . thus it is ruled that it be added to the *matricula* of the surgeons and barbers and others who heal . . . that whoever treats any woman or boy with a break in the rear parts caused by a member . . . must give notice to the Lord Heads of the Ten or others of that council concerning the above injury that very same day or the next.⁴⁰

Thus the Ten hoped to pursue more aggressively those involved in anal intercourse. Boys and women were thought most likely to have such injuries, which implies that in the Ten's eyes the passive partner in homosexual cases was usually presumed to be a boy much as in the classic Greek tradition. That assumption is supported, as we shall see, by the cases themselves—partners described as passive were usually labeled boys or adolescents. Perhaps more startling is the Ten's emphasis on anal intercourse with women. Such sexual activity, also labeled unnatural and thus considered sodomy, had seldom been referred to in the fourteenth century. In the fifteenth century it began to appear, but there were never enough reported cases to warrant its virtually equal treatment in the above legislation. Still, those that were reported can be broken down into three categories: husbands with wives, individuals with prostitutes, and employers with female servants or slaves.⁴¹

Such intercourse with wives was presumably an effective form of birth control; the question arises, however, whether it was primarily a form of birth control or merely another form of sexual activity that was formally believed to be especially deviant. San Bernardino da Siena makes reference in his sermons to the prevalence of this practice and the reluctance of authorities—even ecclesiastical authorities—to deal with it. In one sermon he recounted:

Once I found myself in a place where a man had taken a pretty girl for his wife. She lived with him for eight years and was still a virgin; during that time she was with him continuously in a most grave state of sin against nature! Oh, oh, oh! Do you know to what state this poor thing was reduced? She was wasted away, near death, pallid, wan. She came to me asking, by the Grace of God, if I could help her in any way. She told me that she had been to the Bishop for this problem and also to the *podestà* and both had told her that for that which she claimed they had to have proofs.⁴²

Of course, proof of what happened in the household between a husband and wife was difficult to obtain. Moreover, many wives may have concurred with their husbands in finding this a valid means of birth control, San Bernardino's objections aside. In Venice most of the cases heard by the Ten were the result of a wife's complaint, which indicates that at least some women did not see anal intercourse as an acceptable form of either birth control or sexuality. Yet, much as in the case reported by San

Bernardino, in almost all incidents involving married couples in the fifteenth century the husband was absolved.⁴³ In addition to the difficulty of proving the case, the Ten may have been hesitant to take their involvement so deeply into family life as to enter the marriage bed. And, of course, we may assume the Ten's masculine suspicion about the motivation of complaints that, if taken seriously, could result in a husband's execution. But behind these factors there may well have lurked a recognition that anal intercourse within a family context was a practical and practiced form of birth control.

Actually, the 1467 *parte* with its stress on women as well as boys may reflect a turning away from such a vision. The next two prosecuted cases involving married couples resulted in conviction for the males. In 1471 Giorgio di Druasto was questioned and tortured by the Ten following a complaint of "sodomy" with his wife. Even though he refused to confess, the Ten voted for conviction: nine for, two against, and six abstentions. The large number of abstentions seems to suggest a continued uncertainty about whether such matters should be prosecuted rather than a doubt about guilt. Following conviction it was the responsibility of the Avogadore who sat on the Ten as an *ex officio* member to suggest the penalty required by law. He acted as the Ten's legal authority. It was not a hard decision to make. The law at that time no longer required burning alive; instead, the culprit was to be decapitated and then the remains were to be burned. This was the penalty the Avogadore recommended for Giorgio. But his proposal received no votes.⁴⁴ Instead, the Ten opted for a four-year term in exile, an unusually mild penalty for sodomy. Again this suggests that even after the Ten had made a commitment to prosecute anal intercourse within marriage as a form of sodomy, they had difficulty in adhering to their commitment.⁴⁵

A fisherman named Giovanni Furlan was not so lucky in 1481, having had his head cut off and his remains burned for his "frequent sodomy with his own wife."⁴⁶ Clearly for Giovanni, overlooking the letter of the law was a major error, but it was an understandable one. His crime was seldom prosecuted; if prosecuted, seldom convicted; and if convicted, seldom punished severely. At the expense of his life, he might be seen as the exception that proved the rule—that anal sexuality was a form of birth control practiced at least by some at every social level from the nobility to humble fishermen.⁴⁷

Sodomy with prostitutes also created considerable ambivalence in the Ten. But once again accusations were more frequent than prosecution. Law and public pronouncements did complain about a growing trend of some prostitutes to hawk their services in masculine garb and with a masculine manner.⁴⁸ Yet it seems that in the Ten's eyes business was business much as marriage was marriage. The case of Clara di Corfu and Marieta di Verona reveals this ambivalence. Both were very young prostitutes who, because "they were under twelve years of age, were incapable of

dealing with men carnally. Yet, still they practiced as public prostitutes here in Venice by means of a form of sodomy with offense to God and disgrace for our city."⁴⁹ Because it was probably not anal intercourse, the Ten handled this case of sodomy with children most leniently. The men involved were not even prosecuted; the two young girls were banned for five years from Venice and the Veneto. That banishment, however, takes on a slightly different tone when put in the context of the treatment of three of their slightly older colleagues arrested for the same crime. As they were capable of "normal sex with men" (*viripotens*), they were released to return to their professions.⁵⁰ It seems that Clara and Marieta's five-year banishment was designed more to assure their development into acceptable *viripotens* prostitutes than to effect any major reform of sexual behavior.

Occasionally, a more severe penalty was imposed. For example, in 1484 a noble, Giacomo Priuli, was prosecuted for violently attacking a prostitute and forcing her to commit sodomy against her will. For this he was sentenced to eight years' banishment. He had obviously feared worse because he had already fled the city. Apparently he accepted the penalty, for it is noted in the margin of the case that he returned to the city on June 30, 1492, having completed his term of banishment.⁵¹ Even when violence was involved, there was considerable hesitancy about being as strict with heterosexual acts labeled sodomy as with similar homosexual acts.

The third category of heterosexual sodomy was with female servants or slaves. Once again, birth control may have played a role, as anal intercourse offered a secure method of avoiding unwanted pregnancies. But that was not necessarily the reason, as the case of Giovanni Francesco Pegoloto demonstrates. Giovanni apparently preferred anal intercourse, with either males or females. In addition to using his servant Bella in this manner, he had a similar affair with Gerolamo Sovero, a fellow jeweler. Not content, he attempted to seduce another of his servants, Baxilia, but failed. She seems to have lodged the complaint. Fortunately for his longevity, Giovanni fled before being arrested and thus was merely banned perpetually. If he returned to Venice and was caught, the Ten promised him a beheading followed by the burning of his remains. His passive male partner was also banned perpetually, but if caught, he was only to serve a year in jail. Bella, however, after being arrested and questioned by the Ten, was released. They apparently were convinced that she had been the victim of her employer.⁵²

Sodomy, then, although it covered a fairly wide range of sexual activity labeled unnatural, primarily referred to anal intercourse with males or females or its external simulation. Occasionally, crimes of bestiality and men living as women were prosecuted as well, but such cases were so rarely heard that they appeared to have had little relation to the primary concerns of society. The records seem to suggest, however, a growing concern in the fifteenth century with anal intercourse

and a willingness to pursue this aspect of sodomy more aggressively, occasionally even into the marriage bed. Nonetheless, the patterns of prosecution suggest that throughout our period heterosexual anal intercourse was more a viable form of birth control for some than an illicit form of sexuality.

But the definition of sodomy in Renaissance Venice had one further major component—a distinction was made between the active and the passive partner. Contrary to the vision of most other Western cultures in which the passive partner in homosexual relations was considered more objectionable, in Venice the active partner was seen as more culpable. The traditional vision tended to reflect the sexual stereotypes of society: Passivity was the “normal” sexual role of the female; thus, a male’s taking the passive role made his sexuality “abnormal.” Following the same logic, a man who expressed his sexuality actively, even though it was with another man, was acting essentially as the male partner. We might expect to find a similar vision in Venice, for as we have seen in adultery cases, even the most aggressive women had their sexuality described by the Avogadori as passive, almost as if active female sexuality could not even be expressed.⁵³

Yet Venice reversed this tradition. The *patiens*, or passive partner, was normally let off with a light penalty or no penalty at all while the *agens*, or active partner, was, as we have seen, normally executed. What caused Venetian perceptions to be unique? Two reasons seem to stand out. First, age—the passive partner was often the younger partner, frequently referred to as a boy (*puer*), an adolescent (*adolescens*), or an individual under legal age. According to Venetian custom, male children under the age of legal responsibility were not culpable and thus not to be prosecuted for their crimes.⁵⁴ The second reason, not unrelated to the first, cuts more deeply into the Venetian perception of criminality. The *agens*, or aggressor, was the initiator of the misdeed. He made the decision to commit the act and carried it out; the *patiens* merely submitted himself to the act. Willed crime, as we have seen over and over again, was traditionally considered more serious.⁵⁵ Youth and the lack of willed initiative, then, seem to have been the keys to reducing the culpability of passive partners.

Formally the distinction between passive and active sodomy only began to appear regularly in the records in the mid-1440s. In each case the distinction was made between a *patiens* and an *agens* both in terminology and in penalty. The *agens*, as noted earlier, was usually executed while the *patiens* suffered a much milder penalty, which normally included a mixture of corporal punishment and detention or exile. Thus, this distinction allowed a more varied response to sodomy. A case that illustrates this involved six Venetians who were members of a homosexual group denounced to the Ten in 1474. Two active members of the six, Paduano d’Oltranto and Marino Alegreti, were decapitated between the columns of justice and their remains burned.⁵⁶ But for the other four convicted as passive, the Ten had a wider range of options. Aloysio Maronerti, “con-

sidering his tender age," was ordered to receive ten lashes in the torture chambers of the Signori di Notte. That was deemed a fitting penalty because he was only ten years old.⁵⁷ A young barber named Simeone did not do so well. Also labeled a *patiens*, he was "about eighteen years old"—too old to gain much leniency on the grounds of youth. Nonetheless, because he was a passive homosexual, there was no question of execution. Instead, he was sentenced to twenty-five lashes and banned for five years. It was also suggested that "because of his great age he be brought on Saturday at the twentieth hour between the columns of justice while Marino is being executed. There on a raised platform his nose is to be cut off and he is to remain for an hour."⁵⁸ Some on the Ten apparently felt that Simeone should be made a public example to instill fear in the hearts of older passive homosexuals who were aware that their penalties would be less severe than those of their active partners. The suggested mutilation is also most significant. The traditional mutilation for a man was the loss of his hand or occasionally his eyes; both were essential for a male as a worker and thus a stern price to pay for a crime. But in Venice the typical mutilation for a woman was cutting off her nose. Again this seems to have hinged on the perceived value of a woman. While a man was valued for his work and thus demeaned by the loss of hands or eyes, a woman was valued for her beauty and thus debased by the loss of a nose.⁵⁹ In a rather brutal fashion, then, the Ten seem to have considered paying homage to Simeone's good looks and femininity. And to a degree the passive stereotype of the female was carried to its logical conclusion—a passive male had become essentially a female in terms of the Ten's contemplated mutilation.

The two other passive members of the group, both of whom had fled the city to avoid prosecution, were punished with restraint. Matteo, son of Simeone di Bontegnir and a nephew of a local church official, and a noble, Marco Grimani, son of the deceased Nicolò, were each banned for three years. It is unfortunate that in neither case was any indication of age given, for it would be revealing if Matteo and Marco received intermediate penalties because they were older than ten but younger than eighteen. But several other factors were probably involved. Not being in the hands of the Ten obviously made physical punishment difficult. Moreover, avoiding such penalties imposed in absentia could result in a *de facto* permanent banishment, which was clearly more of a penalty than the Ten thought the crime warranted. Also, Grimani's noble status may have played a part. It appears that at times nobles were labeled passive partners so that they could avoid the full rigors of prosecution. Nobles were executed, however, and this may well explain why Grimani had prudently fled. Finally, the Ten was interested in at least the appearance of equal justice; thus, the equivalence between the two in penalty may have been merely a moment's public display of equal justice for noble and non-noble.⁶⁰ Be that as it may, the prosecution of this small group of homosexuals demonstrates the flexibility the passive-active distinction gave the Ten.

It appears, however, that this active-passive distinction was an operating assumption well before it became a formal part of the rhetoric of prosecution in the mid-1440s.⁶¹ In the fourteenth century partners who were labeled *pueri* were seldom prosecuted. The only case that involved punishment for a boy was so atypical it was tried before the Forty by the Avogadori rather than by the Signori before the Giudici di Proprio. Zanino, servant of the noble Dardi Venier, was convicted of committing sodomy with a Florentine on a Venetian ship sailing from Crete to Venice. The Florentine, apparently an adult, was burned, but Zanino, because he was only eleven years old, was merely whipped.⁶² Perhaps his punishment was aimed more at preserving shipboard discipline than at meeting the requirements of Venetian law. Otherwise, even though boys were regularly involved in sodomy cases investigated by the Signori, they were not prosecuted.

A case in 1422 reveals the central operating assumption behind this lack of prosecution. Bartolomeo Trivisano, son of a goldworker, captured by the Ten "for suspicion of the sin of sodomy," was ordered to be released because "he is not of legal age, that is, a full fourteen years old."⁶³ The reasoning for this action was based on an appeal to tradition: "It is just to follow the ancient and good customs of our forefathers who always held that minors be freed of whatever crime even if they have confessed or have been proven guilty."⁶⁴ Occasionally the courts did not follow that "ancient" tradition, as, for example, in the case of Zanino noted above.⁶⁵ It seems that at times it was difficult to let certain, perhaps particularly culpable, boys escape all discipline while the men they associated with suffered execution.

This apparent tension between tradition and perception came to a head in 1424, stimulated by the strange case of Giacomo Salvador, who turned in his own son, Bernardo, for homosexuality. Giacomo, it seems, was moved not so much by moral or civic fervor as by an understanding of the legal situation. He wanted his son's case to come to the attention of the Ten while the boy was still underage, so that he would not be prosecuted. It worked out exactly as he had anticipated. Bernardo was released a few days later "because he was not old enough" to be prosecuted.⁶⁶ Almost immediately the Ten decided to revise their treatment of young homosexuals. Complaining that many youths were committing sodomy without fear because of the stipulation that those under fourteen were not legally responsible for their actions, they ruled that "those who are not of legal age . . . are not to be freely absolved as in the past . . . but from now on are to be subject to a minimum penalty of three months in jail and in addition ought to receive from twelve to twenty lashes in the torture chamber."⁶⁷ As usual, however, the Ten avoided being trapped by their own pronouncements; they added the qualifier that they had the right to impose sterner penalties if they felt it was warranted by "the quality or gravity of the crime or by the status of the people involved."⁶⁸ In addition, they ruled that passive partners under the age of ten could still be absolved of any culpability if the council so desired. This became the typical

operating procedure.⁶⁹ Thus, the loophole that Giacomo Salvador had steered his son through so successfully was finally closed by the Ten.

This association of young boys with the passive role suggests once again the prevalence of the classic form of homosexuality, which associates the older male with the active role, the younger boy with the passive. Clearly, this was true in the majority of cases where there was an age differential between partners. But boys were occasionally prosecuted for playing the active part, and older men were at times convicted as passive participants. In another large group case from 1464, for example, two noble boys were accused and convicted of taking active roles in the group's sexuality. Both Giovanni Basadona, *puer*, and Giovanni Filippo Priuli, *puer*, were convicted for being active sodomites. Considering Priuli's "tender and young age," the Ten ruled that he be exiled for eight years, the same penalty young Basadona received. This was a real penalty but nonetheless much less serious than the decapitation and burning suffered by their older peers Ermalao Foscari and Mafeo Barbaro for a similar active role in the group.⁷⁰

Although the active-passive distinction was spelled out with regularity only after the mid-1440s, we have seen enough evidence to warrant the assertion that it was not a new distinction. Rather, it appears the Ten was merely being more careful to report and evaluate it. Passive partners noted earlier had always received lesser penalties. Moreover, the Ten's ruling of 1424, discussed above, which required punishment for males under fourteen, referred to the distinction between active and passive homosexuals. Perhaps what happened was that with all liable to prosecution after 1424, it was necessary to make more explicit reference to a tradition that had seen passivity as well as youth as mitigating factors in punishment. Thus, what might appear at first glance a new and dramatic shift in the 1440s actually seems to have been a fairly customary vision that was made explicit largely because of an earlier shift in the treatment of youth. Curiously, however, almost as soon as the active-passive distinction was clarified, the gap between the penalties began slowly to narrow. It is as if the distinction worked fine when left nebulous and customary, but when codified into a formal procedure, its inherent contradictions became difficult to accept.

In the end these distinctions gave the Ten a certain flexibility in their punishment of homosexuality that at times allowed them to factor in the status, wealth, and power of those prosecuted. But for sodomy perhaps we should not make too much of this possibility. Those executed represented a good cross section of Venetian society. It seems that fear burned through the distinctions that in other crimes protected the powerful. If anything, a noble's greatest hope of escaping death when accused of sodomy was very similar to the standard salvation of men of lower social status in other crimes—flight beyond the confines of Venetian territory.

The comparative leniency of penalties for the young and the passive should not be allowed to obscure the fact that even they could suffer at the

hands of Venetian discipline in a way distant from the norms of other sex crime prosecution. A rather gruesome corrective is provided by the case of Carlo Bomben. At sixteen Carlo was a little too old to gain the full advantage of youth, but reference was made to his *etate iuvenili*, with the result that for sodomy he was sentenced to two years in jail followed by three years of banishment. Seemingly not that stern a penalty, his escape from jail revealed that it was not so easy a sentence as we might assume. His father, who apparently had been content that the penalty had been so moderate, hunted down the youth to convince him to return and serve his sentence. Eventually he found his son, but Carlo refused to give himself up, claiming that if he did, he would die. Upset, the father threatened to disinherit his son if he did not return to jail. At this point the man with whom Carlo was hiding interrupted the quarrel, saying, "Tell your father your injuries and show him everything, for you need not feel ashamed before your father."⁷¹ Those injuries, the result of his torture and time in jail without medical attention, were extensive and brutal. Not only were his genitals severely damaged, his left arm was so badly mutilated that it was a doctor's prognosis that the arm would have to be amputated to save his life. Carlo's lighter penalty in the records had been devastating in fact for a sixteen-year-old. Passive partners were not burned, but they could be treated with great harshness.⁷²

One other area of sodomy—homosexual rape—was significant enough in Venetian prosecutions to warrant discussion. This crime, only beginning to be referred to today, provided a large portion of the Signori di Notte's prosecutions in the fourteenth century and continued to be a major concern in the fifteenth century, even though the more aggressive approach of the Ten allowed them to ferret out many more nonviolent cases, causing the ratio of violent to nonviolent crimes to drop significantly. Homosexual rape was very similar to heterosexual rape. It tended to victimize young males, like females in general, who were perceived as passive. In turn, the perpetrators were expressing an active, aggressive dominance over their victims in both crimes. For example, in 1357 Nicolò, a servant of Benedicto Emo, was taking his master's children to school when he noticed a young boy who attracted his "sexual desires." One day after supper he returned to the school and lured this ten-year-old into a back room and raped him. Such cases were viewed most seriously by the Signori, and Nicolò was burned alive.⁷³

The contrast to the rape of a woman or even a female child is instructive. First, the penalties for the rape of a male were much more severe. Even a few years in jail and a sizable fine, reserved for the most serious rapes of women, were much less stern than the virtually mandatory execution of rapists of males. Moreover, the rape of males was reported with much more physical detail. This suggests that the lack of detail in cases involving women was less a matter of prudery or protecting the woman's reputation than a reflection of the lesser importance of women and their victimization. And finally, homosexual rape occasionally went up the

social scale in a way that rape involving women almost never did. This seems to be because of the generally mild penalties for the latter and the extreme penalties for the former. Because death was virtually certain for convicted homosexual rapists, they selected their victims essentially without considering penalties. In addition, their sexual appetites threatened them with death even if they pursued them nonviolently. In contrast, men who raped women of lower social status could expect minimal penalties at most. Heterosexual rape that moved up the social scale would have been perhaps more a social than a sexual crime. Of course, women at the higher social levels were also less available to rapists, as, at least ideally, they were kept as much as possible within the family orbit. Males, however, at all social levels were allowed more freedom of movement, which meant that they were easier targets for victimization.⁷⁴

One qualification, however, should be made. It must be remembered that there was a strong theological component in the stern penalties for even nonviolent homosexuality. Violence merely made the already required execution easier to apply. Rape, on the other hand, seemed to be much less a crime of theological concern. In contemporary interpretations no cities had been destroyed by God's wrath because of rape. In fact, biblical injunctions against rape seem to have been rare at best. Thus, penalties for the rape of females did not build upon the same moral fervor as those for the rape of males. Still, we should not push the point too far. Presumably, if females had been thought more important, texts would have been found in the Bible or elsewhere to justify sterner penalties. Moreover, in the two cases where women were the victims of violent attacks labeled sodomy, the Ten did not order the culprit to be executed. In the case in which the victim was a female slave, her attacker was sentenced to four years in jail followed by perpetual banishment.⁷⁵ In the other, a noble official who violently sodomized a mother and daughter living in the territory he administered was banned perpetually from that territory and for ten years from Venice.⁷⁶ It seems clear from a number of perspectives that women were seen as much less important than men and that their victimization was considered a less serious matter.

Moving from the meaning of sodomy, to how the Venetian government attempted to restrict it raises the issue of the crucial transition in policing and prosecuting it noted earlier: The Council of Ten in the fifteenth century replaced the Signori di Notte as the body responsible for dealing with the crime. Others have argued that during the Renaissance sodomy came to be considered a terrible crime on the order of treason and heresy.⁷⁷ In that context it seems fitting that sodomy was taken over by the council primarily responsible for treason in Venice, the Ten. The Signori di Notte, however, were responsible for crimes almost as serious—murder and robbery. And if anything, their penalties were more deadly than those of the Ten. Their cases were tried before the Giudici di Proprio—a three-noble council with mainly civil responsibilities—and in a majority a

death sentence was imposed. In fact, under the Signori's jurisdiction, as noted earlier, virtually all convicted of sodomy were burned alive. Thus, it would be difficult to argue that the transfer of responsibility for sodomy to the Ten represented a sudden conviction that the crime required more brutal punishment.

But it is clear that once the Ten began to take responsibility for the crime, they pursued the matter more vigorously with a resultant increase in the number of prosecutions and in the number of important Venetians tried and sentenced (see Table 6). A strict quantitative comparison has little validity, however, as the Signori's records for the fourteenth century are fragmentary and the Ten's records for the fifteenth century are at times incomplete, especially because in major cases they regularly adopted the technique of siphoning off all related material into separate files kept under lock and key, all of which have disappeared. Still, if we compare the period 1348–1369, covered by registers six through eight of the Signori, with 1448–1469, covered by registers thirteen through seventeen of the Ten, we see a dramatic rise in prosecution. The Signori secured nine convictions for sodomy in the earlier period. Two more were successfully prosecuted in the Forty, making a total of eleven cases. For the same period a century later the Ten convicted one hundred ten for sodomy.⁷⁸ What caused this tremendous increase in prosecution? The first and easiest answer is that the Ten was much more aggressive and effective in its approach to sodomy. To understand this, we must take a moment to look closely at the complex case that drew the Ten into prosecuting the crime.

By the early fifteenth century the Council of Ten had established itself as one of the most important councils of state, largely because of its virtually unlimited power to take up, and deal internally with, any matter they deemed a threat to the security of Venice and because the members of that council were drawn consistently from the most important families of the city.⁷⁹ In fact, the Ten became involved in sodomy because the Signori di Notte in 1406 had discovered a major case of homosexual activity that involved at least fifteen nobles, most from important families, and eighteen non-nobles. Several of the non-nobles were also men of standing—clerics, the sons of government officials, and the sons of well-established *popolani* families.⁸⁰ As the penalty for sodomy was still burning alive, the case was a major one that could have divided the nobility into acrimonious squabbling or worse if it was not handled with care. Also, because of the large number of non-nobles involved, care had to be exercised to present at least the form of equal justice. It would not do to burn a large number of *popolani* and allow nobles to escape with lesser punishments.

In its justification for becoming involved in the case, the Ten made it perfectly clear that social tension was a primary consideration. They stated: "It is necessary that everything be done to avoid angering God against us and to preserve justice and our honor and not to diminish the

Table 6. Sodomy Prosecutions in Venice, 1326–1500

Prosecutions	1326–1350*	1351–1375*	1376–1400*	1401–1425*	1426–1450	1451–1475	1476–1500	Total Cases
Individuals	5	8	3	87	81	134	196	514
Cases	3	7	3	31	54	71	110	279
Cases involving boys†	1	4	2	10	15	13	33	78
Cases involving females	0	0	0	0	7	9	18	34
Cases involving nobles	0	0	0	4	3	12	14	33
Number of nobles	0	0	0	19	6	25	16	66

Source: Based on A.S.V., Signori di Notte, *Processi*, Registers 6–8 (1348–1369) and 12 (1389–1403 fragments), Consiglio dei Dieci, *Deliberazione Miste*, Registers 8–28 (1392–1500); and A.S.V., Adv., *Raspe*, Reg. 3641–3658 (1326–1499).

*Records incomplete in these periods.

†Only those clearly identified as *puer*, or under fourteen years of age.

faith and devotion of our *popolani* who are murmuring because they see *popolani* executed while nobles escape unpunished.”⁸¹ The problem hinged on the fact that the Signori had drawn out the investigation and apparently were seeking excuses to help certain nobles escape justice. As the case developed, the Signori’s too ready acceptance of the claim of clerical status by a young noble, Clario Contarini, became a main focus of *popolani* “murmuring.” But in addition, the political and social dangers of executing so many from important families contributed to hesitancy. The Signori di Notte and the Giudici di Proprio had obviously not felt too comfortable with the prospect—thus their slowness and questionable handling of the matter.⁸² The Ten, with its much more important members, including the doge and his councillors, provided a forum whose decisions carried extra weight both formally and in the more informal context of noble family alliances. Simply put, the Ten represented the most important men and clans of the city. As soon as they took up the case, however, the Ten moved to broaden their mandate by appointing an additional eight councillors to help in the investigation. Clearly, they felt they were dealing with a very important group of men.

The Ten began by ordering the Signori to turn over the material they had gathered and to avoid any further interference in the case unless specifically called upon by the Ten.⁸³ This rather high-handed short-circuiting of normal procedure was carried out without reference to the Major Council, the theoretical source of administrative authority, or the Senate, probably the most important legislative council at the time. Rather, in the context of their original mandate to deal with matters they deemed threatening to the state, it appears that they acted on their own without reference to other councils, even the Major Council.⁸⁴ A report was prepared by an internal subcommittee within two weeks and presented to the council as a whole, which rejected it on two grounds. First, the council felt that the Signori were still interfering in the case and had had too much of a hand in the report. Second and more important, the report had not determined the clerical status of those who claimed to be subject to the Church’s jurisdiction rather than that of Venice. As a result, the Ten ruled that the matter should be pursued with even more stringent secrecy until these problems could be overcome. All material related to the case was ordered put in a chest to be kept by the Procuratori of San Marco.⁸⁵ The chest was to be locked with three locks. One lock’s key was to be held by the doge, one by the heads of the Ten, and one by the Signori. This elaborate precaution was presumably designed to prevent tampering with the evidence and once again reinforced the high stakes involved. At the same time the Ten vowed to move ahead aggressively on the issue of clerical status.⁸⁶

But the matter did not move ahead quickly even under the auspices of the Ten. More than a month later the Ten had reached a stalemate at the local level. They therefore turned to the pope for help, writing him that

they had recently burned a number of sodomites with an eye to avoiding the fate of "Sodom and Gomorrah." But three men had escaped execution by claiming clerical status, which had resulted in continued murmurings among the relatives of those burned and the people in general.⁸⁷ The three were Giacomo Barberio and Stefano Rosso, both of whom had documents that they claimed proved their clerical status, and Clario Contarini, "who had no such documentation but [whose claim] had been accepted by the bishop of Castello on the basis of testimony put forward by his [Contarini's] relatives."⁸⁸ Essentially the Ten was asking the pope's aid in seeing that the three did not go unpunished. Tellingly, however, they decided not to give the pope the whole story. The rather damaging detail that the Signori di Notte had already accepted the three's clerical status was not to be included with the other pertinent material.⁸⁹ The pope's reply was suitably ambiguous. He gave them permission to tell the bishop of Castello that all clerics must wear their habits while in Venice and must be registered with the bishop.⁹⁰ Theoretically, this should have eliminated in the future false claims of clerical status to avoid prosecution. But on the more immediate problem of the three men in question, the pope did little. He supported the necessity of punishment but left responsibility in the hands of the bishop of Castello. This was merely a reiteration of the Church's traditional stand: Clerics were the responsibility of the Church. At the last, however, he seemed to back off a bit by conceding that if the Ten was not content with the bishop's penalties, they could write him again. Perhaps he hoped that in this way he could pressure the bishop and the Ten to work out a compromise while not compromising the Church's independent position. The bishop would settle the matter but with sufficient severity to placate the Ten and avoid further appeals to the papacy.⁹¹

But the pope, unfortunately for his diplomatic attempt at a solution, had not grasped the Ten's determination to prosecute the three, especially Contarini. They did not even wait for the bishop to act, assuming that his earlier acceptance of Contarini's claims meant that he would not punish him severely enough. Instead, they wrote immediately to the pope, claiming that the bishop "is most timid" (*timidissimus est*) and asking that Bishop Vito Memo be substituted for the bishop of Castello. This was a clever maneuver. Memo, from a Venetian noble family not directly involved in the case, was like a clerical trump card who could be counted on to follow the dictates of Venetian policy in his decisions.⁹²

By the end of July matters were coming to a head and it appears tensions were increasing as well. A *parte* of July 27 ruled that a *capo* of the Ten could not impede council business that related to a relative.⁹³ Normally, the *capi* determined the council's order of business. Andrea Contarini was a *capo* in July, and a few days after the ruling the Ten was back on the case of Clario Contarini. The implication is clear: Andrea Contarini had attempted to use his position to stall the case as long as possible. On August 3, presumably with the pope's approval, Bishop

Memo took over for the bishop of Castello and was sent copies of all the materials pertaining to the case. Specifically excluded, however, were the decisions of the Signori di Notte and the bishop of Castello on the clerical status of Contarini. The Ten also decided to send along a summary of Venetian laws and their opinion on the case.⁹⁴

Clearly, Contarini's day of reckoning was rapidly approaching. Leaving nothing to chance, however, in late August the Ten began proceedings against Masio di Fano, who had testified before the bishop of Castello that Clario was a cleric.⁹⁵ Finally, on the last day of the month Bishop Memo rejected Clario Contarini's claims. The Ten then ordered all material to the contrary destroyed and, more important for Clario, ordered that he be handed over to the Signori to be taken by them on the morrow between the columns of justice where "he was to be burned in the same manner and form as were the other sodomites."⁹⁶ Thus, after more than six months the Ten ended Contarini's life and the murmuring of the *popolani*. For the Ten it was a time-consuming and diplomatically complex lesson to provide.

But even at the last it came close to falling through. When penalties were suggested in the Ten, Marco Dandolo proposed that with the clerical status of Contarini denied, the whole matter should be returned to the jurisdiction of the Signori and Giudici di Proprio—apparently merely a conservative suggestion calling for the return of sodomy prosecution to its traditional council. It also would have left Clario's fate in the hands of a smaller group of more easily maneuvered men, who had been manipulated once before to accept Clario's clerical status. If there was any doubt of Dandolo's intent, it was eliminated by an additional suggestion he made—that the Signori be instructed to try Contarini as a *patiens*. Perhaps Dandolo hoped that the members of the Ten, being relatively unfamiliar with sodomy prosecution, would miss the significance of that label. But whatever Dandolo's intent, Contarini as a *patiens* would have escaped execution at the hands of the Signori. The first vote of the Ten showed a certain support for Dandolo's scheme. Although his proposal received only six votes, there were five abstentions, which left only nine votes for an immediate execution. As a majority of voters was necessary for action, the Ten had a hung vote. But any hope collapsed immediately. On the next vote one abstainer came off the fence and another voter was brought into the council—presumably an absentee had been rounded up by the pro-execution forces—with the result that Clario's death won eleven votes, Dandolo's proposal retained six, and abstentions dropped to four. Even with ten votes essentially against, Contarini was executed the next day, based on a one-vote majority.⁹⁷

But the case was still far from over. The other two claims of clerical status remained. Bishop Memo eventually decided that both were clerics. Throughout, however, he maintained close contact with the Ten, which allows us to see how he handled his clerics. From the Ten's perspective

they had done well in choosing Memo, for he clearly was not soft on sodomy. He condemned Giacomo Barberio to finish his life hanged in a cage on the side of the campanile of San Marco. Fortunately for Barberio, however, some friends freed him from the cage and he escaped. The Ten, in response, offered a 500-*lire* reward for the capture of those involved or information leading to their arrest.⁹⁸

Stefano Rosso's case was even more convoluted. At about the time Memo made his final determination that Rosso was a cleric, his relatives appeared with a letter from the pope ordering that the case be transferred to the presumably more sympathetic prior of San Salvatore. The Ten stepped in at this point to write a complaint to the pope, pointing out the injustice of the transfer.⁹⁹ In August, more than a year and a half after the case had been brought to the attention of Venetian authorities, Bishop Memo appears to have regained jurisdiction, for Pietro Rosso, Stefano's brother, was accused by the Ten of defaming the bishop. Pietro, however, was not convicted, perhaps because the Ten believed that the threat of a conviction would be enough to warn Pietro about interfering further.¹⁰⁰

If that was the case, they misjudged him. In November 1408 we find the Ten writing to the pope to complain that Pietro had turned up in Venice with new letters from the pontiff that now transferred the case to the bishop of Padua and required Bishop Memo to hand over all pertinent materials. The Ten saw this as harassment, refusing to release any information on the case, which they still had under lock and key, and demanding that the pope assent to Memo's sentence of life imprisonment on bread and water.¹⁰¹ Unfortunately, at this point the case disappeared from the records of the Ten, not allowing a definite conclusion on Rosso's fate. Given the Ten's dogged drive to secure a severe punishment for him, it seems likely that the pope acquiesced and the silence of the records indicates that the case was finished almost two years after it began. There was just one last echo. Toward the end of 1408 the Ten ruled that sodomites outside of Venice could not be given a *gratia*, or remission of penalty, without first returning to Venice and standing trial. A number of those originally accused had apparently managed to successfully flee to avoid execution and from exile were trying to come to terms with the authorities without risking execution. The Ten quashed any hope of that traditional escape for the rich and powerful. To show that they meant business, they established a 1,000-ducat fine for anyone who even proposed a *parte* contradicting this ruling.¹⁰²

A few then escaped into perpetual exile; Rosso probably lived on in jail on bread and water; and the rest, Contarini included, died brutal deaths. Behind it all the Ten provided a harsh lesson on equality before the law, at least in crimes of sodomy, which the general populace and the nobility of Venice, for that matter, could not ignore. But for homosexuals and others whose acts might fall under the rubric of sodomy, it was a sign of

the beginning of a much more aggressive and efficient repression that would be carried out by the Ten in the fifteenth century. Even as the diplomacy to secure Contarini's demise was being carried on, the Ten publicly announced a reward scheme to secure more reportage of sodomy. They proclaimed that anyone who made an accusation of sodomy would receive a reward of 2,000 *lire* either from the wealth of the accused or from the commune when the former proved inadequate, if the accused was successfully arrested and convicted. This unusually large reward was designed to make accusation most attractive. Indicative of the Ten's aggressive attitude was their rejection of an amendment suggested by Lorenzo Sanuto. He sought to moderate the attraction of the reward by adding the clarification that false accusers would be handed over to the Avogadori to be tried before the Forty. Apparently, the Ten wanted any accusations that such a reward would undoubtedly encourage, even at the expense of a number of false ones.¹⁰³

The Ten, however, had still not officially supplanted the Signori di Notte in these matters. Rather, they had stepped in to assert their right to take over important cases, expedite prosecution and reportage, and generally interfere as they saw fit. But the Signori retained responsibility for sodomy. This relationship is reflected in a *parte* passed toward the end of 1408. The Ten noted that the Signori were still prosecuting sodomy ineffectively and complained that the relatives of important men were frequently present when they were tortured by the Signori. As a result, torture was neither stern enough nor effective in producing confessions when the culprit was important. Behind this complaint lay a legitimate concern that the Signori were not capable of resisting the pressures applied by major clans to protect their own. Only the Ten had the standing and power to push through such cases, and when necessary they promised to step in to see that justice was done. Thus, though the Ten did not take the responsibility for prosecuting sodomy from the Signori, they made it clear that they would monitor their handling of the crime.¹⁰⁴

As was to be expected, one of the earliest cases they took over involved another important noble, Antonio Morosini. Not only was homosexuality involved; Morosini had apparently been murdered by his lover, Lodovico Spetiaro, son of an official at the monastery of San Zaccaria. Because the case first came to light as a murder, the initial investigation had been carried out by the Avogadori, who were responsible for murders where self-interest appeared to be the motive.¹⁰⁵ But when it became clear that sodomy was involved, the Ten took over the investigation. As Lodovico had fled the city, the Ten wrote to Venice's mainland rectors to make discreet (*secrete et diligenter*) inquiries into his whereabouts. When found, he was to be arrested and returned to Venice under careful guard.¹⁰⁶ Eleven months later Lodovico was arrested in Ferrara. That city was not part of Venice's mainland empire, but it had a form of extradition treaty with her

neighbor. Thus, Lodovico was shipped back to Venice, where a special committee was set up by the Ten to examine him with the power to use torture as they saw fit.¹⁰⁷

Though he admitted killing Morosini, he denied even under torture any homosexual contact with him. Rather, he claimed that Morosini had made advances to him—advances that became threats when he refused. In the quarrel that ensued, he killed Morosini, protecting his virtue. Even though he was a non-noble who had confessed to killing a noble, the Ten made a striking decision. Convinced by his consistent claims of self-defense under torture, they finally accepted his account and he was ordered released.¹⁰⁸ Obviously, this was not a typical case and once again the Ten proceeded in a way that would have been unlikely for the less powerful Signori. Lodovico's escape with his life may be attributed in equal measure to the Ten's antipathy to homosexuality and their ability to stand up to a powerful family like the Morosinis.

But following their first large case of 1406–1408, the Ten remained relatively distant from sodomy prosecution until 1418 when they again interfered in a major way, claiming that the Signori di Notte were inefficient and as a result sodomy “ruled many in our city.”¹⁰⁹ They began ordering the Signori not to release anyone arrested for the crime without the permission of the Ten, which meant in effect that the Ten would review each investigated case. To make their review more efficient, they set up a special committee, or *collegio*, to carry it out. From reviewing the Signori's work, it was but a short step to the *collegio's* takeover of the investigations themselves or at least the direction of them. A month later the Ten moved down this path yet further by making the *collegio* a permanent subgroup within the Ten, once more with the rationale that the Signori were not effective in their handling of sodomy.¹¹⁰ The result was a sudden upsurge in cases heard by the Ten. Twenty were taken up and decided in 1418 alone, more cases in one year than the Signori had tried in any decade in the fourteenth century. Significantly, most involved couples or individuals. Thus, there was no one large case to inflate figures; the Ten was simply ferreting out more cases. Moreover, from 1418 on, the social range was much more catholic. The Ten was hearing crimes that involved the lower social orders, sailors and debtors in prison, as well as nobles and the so-called important.

Once they decided to take a major role in sodomy prosecution, the Ten typically moved fast to rationalize their procedure and extend their control. In 1420, complaining that there was so much homosexuality on Venetian ships “that it is surprising that divine justice has not sunk them,” they initiated a campaign to restrict the “vice of sodomy” in the fleet.¹¹¹ A primary concern was a legal loophole that allowed sailors to escape prosecution. When Venetian ships were outside Venetian territory, it was apparently claimed with considerable logic that they were outside the authority of Venetian law. This legal nicety meant that sodomy at sea

fell into a type of legal limbo that allowed perpetrators to escape prosecution, at least in Venice. The Ten simply abolished this fine point of legal interpretation, ordering that it be proclaimed publicly that anyone committing sodomy on a Venetian ship would be punished as if he had committed the crime in Venice. Thus, in a legal manner of speaking, the fleet had become a form of floating Venetian territory. To help translate their pronouncement into prosecutions, the Ten promised a reward of 500 *lire* to those who turned in homosexuals if a conviction was secured.¹¹²

From this point on the Ten regularly passed rulings designed to foster policing and prosecution of sodomy. In turn, prosecutions reached new highs. On the practical plane, did this increase merely reflect the more aggressive pursuit of the crime or was the crime itself also becoming more prevalent? There can be no doubt that the Ten's pursuit was more aggressive than the Signori's. They even went so far in the 1450s as to commission what might be labeled a sodomy census of the city. They elected two nobles from every parish to spend a year investigating their neighborhood for any signs of the "vice of sodomy," paying special attention to suspicious houses and gatherings, to unusual contact between the young and the old, and to the behavior of those who seemed questionable.¹¹³ But the question remains: Did such aggressiveness alone result in much higher levels of prosecution or was it in turn a response to higher levels of crime? This is probably an unanswerable question, but we can make the supposition that if sodomy did not increase, it at least had come to be perceived as a more serious concern in the first half of the fifteenth century.

What stood behind this heightened concern with sodomy remains problematic. As we have seen, the rhetoric of the Ten indicated a heightened fear of God's vindictive potential. The fate of Sodom and Gomorrah could be the fate of Venice. If anyone doubted that, the plague's recurrent devastation, though perhaps becoming more familiar, was direct proof that God acted with vindictive wrath. Perhaps such fears were further magnified as Venice found herself with progressively more to lose when her power moved so successfully onto the mainland in the early fifteenth century. Unfortunately, from a psychological standpoint there are any number of suggestive possibilities and little concrete evidence to support any of them.¹¹⁴

Ultimately, to get any deeper into the question, a closer look must be taken at what appears to have been either the growth or the emergence of a homosexual subculture as a major element in the culture of illicit sexuality. In the fourteenth century there were some indications that a rudimentary underground subculture existed. But in the fifteenth century it appears that subculture had become more public and perhaps more widespread. The Signori di Notte in the fourteenth century discovered primarily couples or individuals to prosecute. The Ten, in contrast, regularly rounded up groups—in the fifteenth century they prosecuted at least thirty-two cases involving three or more individuals. This cannot be

entirely attributed to the Ten's more aggressive approach because both councils, when questioning suspects, used torture to attempt to discover the larger context of the crime. In fact, the Signori were quite consistent in pressing those accused of sodomy for information on all their sexual contacts. Generally, however, they got little—at best a reference or two to earlier, isolated incidents. Given the penalty involved, obviously, we must expect a certain reluctance to name others. But many of these men had already confessed their own guilt and even incriminated their current partner under torture. In contrast, in the fifteenth century the Ten, using much the same questioning procedures, seemed able to elicit the names of larger groups with regularity.

A case that in its details suggests the lack or limited nature of a homosexual subculture in the fourteenth century is revealed by the prosecution of Rolandino Ronchaia, a man who perhaps because of a hormonal imbalance was more feminine than masculine. Having been socialized a male, even though he had breasts and was generally agreed to look more like a woman than a man, he married and attempted to adopt a standard male role. But the marriage did not work. The Signori thought that a primary reason for its failure was that he had never had an erection. His wife eventually left him because of his impotence and died shortly thereafter in the first wave of the plague. Rolandino moved to Padua to live with a relative. Again, many there noted his feminine appearance. Finally, a guest at his relative's home acted upon it and had sexual relations with Rolandino, who took the feminine role. Rolandino quickly became Rolandina, returning to Venice as a woman. Rolandina worked and lived as a female prostitute around the Rialto, having sexual relations with "many and an infinite number of men."¹¹⁵ Do we have a homosexual subculture in this infinite number of lovers? Significantly, Rolandina claimed that his success had been accomplished without his customers realizing that he was a man.¹¹⁶ Moreover, he lived successfully as a woman at the Rialto with female prostitutes. Thus, Rolandina participated actively in another part of the culture of illicit sexuality until his maleness was discovered by the Signori with deadly consequence. Although they noted his physical differences with curiosity, they ordered Rolandino burned between the columns of justice. If there had been a homosexual culture to join, Rolandina might have had more chance to survive as a transvestite. There his sexuality would have been accepted even if his subterfuge failed. In sum, becoming a female prostitute was a dangerous ploy that suggests that if there was a homosexual subculture, it was barely developed, well hidden, or both.

This is not to suggest that homosexual activity was not widespread during the fourteenth century in Venice. In fact, the few cases that were prosecuted by the Signori imply that at the lower levels of society, at least, homosexual encounters were a fairly regular part of late boyhood and adolescence, facilitated by the crowded conditions of life and the sharing

of beds. Presumably this kind of sexual experimentation created few tangible side effects that might lead to prosecution, such as pregnancy, children, or broken promises of marriage. Only when contact was violent was prosecution likely to occur. Some undoubtedly continued in these activities and may have formed networks of homosexuality at the bottom and margins of society. But if such a subculture existed, its very marginality effectively camouflaged it from the Venetian authorities. Or it might be more accurate to claim that its marginality made it a matter of little or no concern to authorities.

With the turn of the century the isolated nature of cases ceased to be the norm. In 1399 the Signori discovered a Florentine barber who had had sexual relations with a servant of his who was still a child, as well as with a considerable number of other persons.¹¹⁷ Two years later they found a wine merchant who admitted a wide circle of contacts.¹¹⁸ And as we have seen, in 1406 the Signori broke open a large case involving many nobles and important *popolani*. For the first time nobles were prosecuted. These changes suggest that homosexuality was changing from a stage in life or a part of a marginal subculture to a threatening aspect of urban life at every social level. The timing of this transition and its upper-class participation may imply that it was related in some way to the growth of humanistic studies and the respect for the classics and classical life-styles. In this context it is interesting to note that several of these early large cases had a Florentine connection. Was the city of the lily exporting more in its humanism than republican values and a civic culture? Between 1392 and 1402 four of the five cases heard by the Signori involved Florentines, and three of those four accused were in positions where broad contact with Venetian society may be assumed: a merchant, a barber, and a tavern employee.¹¹⁹ We can argue more securely that with increasing prosecution of the nobility, whether this reflected a real increase in participation or merely a more openly perceived participation, considerable power and wealth could be focused on fostering a homosexual subculture. It also meant that homosexuality could become a style and a way of life that it had not been before. The overwhelming preponderance of evidence from the fifteenth century suggests that this was the case.

It may be that the suggestive timetable of the growth of antipathy to homosexuality outlined by John Boswell can be made somewhat more detailed in regard to Venice. As he has persuasively argued, the late Middle Ages was typified by a progressively more negative attitude toward homosexuals and homosexuality. In the forefront of repression in the thirteenth century were the urban centers of Europe, especially the cities of Italy.¹²⁰ In the fourteenth century, then, our Venetian data may reflect a society where the repression of the thirteenth century had been effective enough to reduce homosexuality to merely a stage of life and a marginal underground subculture. With the fifteenth century that subculture became more socially diverse and thus more visible and threatening, es-

pecially in its attractiveness to the upper social levels. This in turn touched off a new wave of aggressive repression in Venice.

Indicative of the growth of this subculture was the Ten's growing awareness that homosexuality was associated with particular activities and areas of the city. Certain schools were seen as especially suspicious. For example, in 1444 the Ten noted that "certain teachers of musical instruments, singing and gymnastics keep their schools open until two or three hours after dark."¹²¹ This, they argued, was dangerous for the many young boys gathered in such schools "because it might lead some of these youths to commit prohibited deeds."¹²² They ruled, therefore, that no master of those arts could hold classes after sunset under penalty of six months in jail and a one-year banishment. In addition they offered a 100-lire reward for anyone who turned in a master for breaking the curfew.¹²³

A continuity in the Ten's suspicion of these schools is revealed in a *parte* of 1477 that reinforced the earlier ruling with an eye to "eliminating this abominable vice which we are told is committed daily and publicly in this our city."¹²⁴ To the other schools were added those devoted to the study of the abacus and fencing. All were prohibited from meeting after the twenty-second hour in the summertime and after the twenty-third hour in the winter. In addition, these classes were ordered confined to the areas around San Marco and the Rialto. As both areas had the most elaborate patrolling apparatus in the city, this latter provision seems to have been designed to improve surveillance of their activities. Also, as the economic and political centers of the city, they had high densities of people and movement that would have made privacy difficult even without extensive patrols. Finally, the Ten ordered that no school could have any private or secret rooms for instruction; all teaching had to be done with groups in public halls. The Ten clearly felt that homosexual activity with young boys was often initiated in these settings and that these schools were dangerous headquarters for sodomy—literally schools of sodomy.¹²⁵

Another danger area that this *parte* referred to was apothecary shops throughout the city often run by barber-surgeons. Such shops were also forbidden to keep any private rooms for games or exercises for the young.¹²⁶ Prosecution reveals a strong relationship between barbers and homosexuality, suggesting that they may have provided important links to the subculture. In an occupation breakdown they lead by far the list of those prosecuted. Moreover, many cases were associated with their workplaces. For example, in a large case from 1422 involving nineteen men, three barbers were implicated and the case revolved around an apothecary shop on the Ruga degli Orefici, where one of the three worked. The Ten found the shop so suspicious that they arrested one young man merely because he had frequently been seen there. Fortunately for him, he refused to confess under torture and was released. Most of the others were not so

lucky and were turned over to the Signori for execution.¹²⁷ Two of the group were from Tuscany and one sported a name of considerable note, Francesco di Bonacorso di Bardi. Another three were relatives of Venetian officials.¹²⁸ Thus, it appears that this barber-apothecary shop had attracted a wide social spread of persons involved in homosexuality. The Ten's perception that such places needed to be carefully watched apparently had considerable validity.

Other places besides apothecary shops were also thought to be meeting points of a homosexual subculture. Certain secluded public places seemed especially threatening. Young men tended to gather after dark under the portico of the drapers near the Rialto and in the doorway of the Church of San Martino. Assuming the worst, the Ten worried that in those places "it was dark and shadowy so that many in those shadows unknown commit illicit deeds."¹²⁹ To stop this, they ruled that four lamps be kept lighted at night under the portico of the drapers, prescribing with care the location of each lamp. The entrance to San Martino was ordered chained shut at night. Later in the century they identified the portico of the Church of Santa Maria Mater Domini as another place "well known" for sodomy and required that the area be closed off after the twenty-third hour every night.¹³⁰ More general danger areas feared by the Ten were the shops of pastrymakers. They warned that "in the shops of pastrymakers in this our city many youths and others of diverse age and condition come together day and night; there they hold games, drink and commit many dishonesties and sodomy."¹³¹ Games and drinking that might lure young men into the subculture were forbidden; presumably one was to buy one's pastry, eat it, and leave.

Apothecary shops; schools of gymnastics, singing, music, fencing, and the abacus; certain dark areas; and even pastry shops had become by the mid-fifteenth century threatening rallying points. But even the home was not to be overlooked, and once again government was not hesitant to step into the family to discipline home life in order to control illicit sexuality. In Venice, as in most other Renaissance cities, there had been a tradition of limiting gatherings for dinners in private homes. A form of sumptuary legislation, it was also arguably aimed in Venice at restricting the formation of factions and clientage systems. A dinner was an ideal moment to advertise and cement those informal ties of power that could undermine the state. The Ten had always had an interest in dinners for just such a reason, but they made it clear in the fifteenth century that they had discovered another reason for restricting dinners. In a *parte* limiting dinners they justified their interference on the grounds that "many of our nobles not joined by blood nor age but rather of widely different ages, that is, older [men] with youths and middle-aged gather together and have dinner."¹³² Age differential was the key. Curiously, in a society that put great stress on the old teaching the young, especially in the political arena, the association of old and young had suddenly become suspect.

Fear of a homosexual subculture had become so pervasive that it was cutting across older traditions. The age-specific nature in this legislation underlines once more the enduring perception that a large part of Venetian homosexuality fit into the classic pattern of older men pairing with the young.

Along with meals, the Ten also restricted games and gambling in the home. Again, the reasoning turned on the concern that many youths “under the pretext of gaming” got together in private houses to commit “many illicit and suspicious evil vices,” most seriously sodomy.¹³³ What comes through these escalating prohibitions passed at mid-century is a clear indication that the perceived fears of sodomy had moved to center stage in the concerns of the Ten and the nobility as well. A crime that in the fourteenth century had already been deemed worthy of the extreme penalty of burning alive those convicted had come to be seen as literally endemic in Venice. The Ten discovered it everywhere: among the young in their play, in their schools, in certain shops, and even in the contact between the young and old. Moreover, it was a crime that was no longer limited to the marginals of the nobility’s society. In fact, the Ten found that all their rhetoric and stern penalties seemed to have little impact. Even their own peers were extensively involved. Might they have feared that a homosexual subculture threatened to become the culture of Renaissance Venice? Perhaps. Moving from attempts to control the streets to attempts to control the social contacts and even the homes of the nobility suggests that at times the Ten were acting on such fears. The model they regularly evoked—Sodom and Gomorrah, a society perceived as a historical exemplar of a homosexual culture—provided a concrete precedent for God’s terrible judgment against such cultures. Their fears may well have been real: From their perspective, the fear of a culture of Sodom was not paranoia, and the end of such a culture was clear.

But, because we lack many of the nobles’ presuppositions, paranoia seems an apt description. A paranoia that seems at times to have shared certain affinities with the witch scares that were to sweep Europe shortly appears to have gripped Venetian authorities in the mid decades of the fifteenth century. Outsiders sexually, from the perspective of the threatened dominant culture, both witches and homosexuals engendered a fear based, on the one hand, on man’s powerlessness to stand up to their seemingly growing powers and, on the other hand, on God’s threatened wrath against societies that tolerated such ungodly ways.¹³⁴ In both cases man had the power to literally burn the danger out of society. This provides an ultimate brutal parallel—in each case society had become organized and disciplined enough to have a vision of the normal and abnormal as well as an institutional response to eliminate those perceived as dangerously deviant. Both homosexuals and witches were, in a way, among the first victims of a more aggressively organized society flexing its new muscles of discipline and control.¹³⁵

Homosexuality touched such deep fears in Venice that it occasionally led to prosecutions that have a certain black humor when taken out of context. For example, in a crime where sexuality might be argued to have intersected unexpectedly with spirituality, the Signori di Notte arrested four Franciscan friars who were walking nude through the streets of Venice with crosses in their hands, followed by a large crowd. The Signori, evidently believing that this demonstration of Franciscan poverty was dangerously close to behavior that might be labeled sodomy, passed the matter on to the Ten. The Ten, having determined that "the said friars are monks of good reputation and their deeds were not carried out with any evil intention," decided that the four could be released.¹³⁶ But they also asked the friars' ecclesiastical superiors to warn them that such activity "greatly displeased" Venetian authorities and to give them an exemplary punishment that would serve to warn their brethren that such behavior would not be countenanced. St. Francis's moral display of shedding the world by shedding his clothes had come to be an immoral act in a world deeply afraid of homosexuality.

Nonetheless, men continued to take off their clothes from time to time as a sign of spirituality, to the Ten's occasionally great distress. On Good Friday in 1438 a group of nobles belonging to the confraternity of Santa Maria di Valverde at the Church of Santa Maria Zobenigo appeared nude and were whipped by their confraternal brothers as a sign of repentance. A century and a half earlier such demonstrations of piety had been a typical activity of confraternities.¹³⁷ But even as nobles of important family, these young penitents were arrested and examined by the Ten. Eventually four were convicted: Marco Venier, son of the knight Antonio, and Andrea Contarini were sentenced to six months in jail in chains and a two-year banishment from the area of the Church; Marco Mocenigo, son of the procurator Leonardo, and Victor Dolfin were sentenced to only a month in jail in chains and a similar banishment.¹³⁸ The Ten may have assumed something more in this case, but they made it absolutely clear that they considered nude males in public places, even in churches, unacceptable and criminal. Later the Ten backed off from this extreme position and allowed confraternities to have processions in which nudity occurred, but only with a license from the council.¹³⁹

Another set of relations with the spiritual life, however, was much more threatening to the Ten. The Venetian ecclesiastical community was seen as an important part of the homosexual subculture legally outside the disciplining jurisdiction of the Ten. The dangers of clerical homosexuality, especially in monasteries, were recognized well before our period by both lay and church leaders. Some, in fact, may not have considered such activity particularly dangerous,¹⁴⁰ but fifteenth-century Venetian authorities had no doubts. If anything, they believed that the Church was much too lenient and ready to protect its own in such matters. The long case of Clario Contarini's claims of clerical status has already been discussed.

Contarini's hopes to avoid execution by claiming to be a cleric after considerable parleying with the pope and local ecclesiastical authorities eventually collapsed and he was burned alive. Many others with stronger claims to the Church's justice were not so unfortunate.

Diplomacy was a major part of most clerical cases in which the Ten became involved. Without the formal right to prosecute clerics, they had to content themselves largely with pressing ecclesiastical authorities to impose maximum sentences. As the Ten complained more than once, it made little sense to punish lay sodomites with rigor while clerics, supposedly the representatives of Christian morality and spirituality, committed the crime with virtual impunity. In a 1408 letter to the pope, for example, they argued that it was difficult to eliminate sodomy because clerics were initiating such activity but were escaping prosecution. Thus, they were limited to punishing the effects of such crimes but could not deal with the cause. To overcome this problem, they requested the right to imprison and examine accused clerics with a superior present. The Ten may even have envisioned the use of torture, which was standard in such investigations, but they did not make that explicit. If the cleric confessed, they requested in addition that the Church promise to degrade him to a level where he could be punished by the secular authorities.¹⁴¹ It is clear that the pope rejected most of this suggestion. Occasionally we find the Ten examining clerics with a superior present, but much of the Ten's activities concerning clerics accused of sodomy continued to focus on petitioning ecclesiastical authorities to impose harsher penalties on their brethren.

Case after case indicates that the Ten's fears of clerics as initiators of homosexual relationships had considerable basis. An instance that was unusual only in its familial nature indicates how high up the social scale that danger could reach. In June 1418 the priest Lorenzo di Calabria was banned perpetually from Venice. This, of course, was a penalty always open to secular authorities who could not act in other ways against clerics. Lorenzo's banishment stemmed from the fact that as the chaplain of the noble Marino Cocco, military governor of Coron and Mothon, he had seduced Cocco's son and eventually Cocco himself.¹⁴² Another, humbler case that reflects a monastic setting involved the Augustinian brother Nicolò di Pistorio and a boy named Giacomo di Francesco, a fruit vendor from the parish of Sant' Angelo. Nicolò lured Giacomo to his cell but failed in his attempt to have intercourse with him.¹⁴³

It seems the Augustinian friars were considered a problem area in the fifteenth century, for the Ten investigated their activities a number of times. One interesting case involving two brothers, Geronimo and Bartolomeo, reveals the complexity of securing clerical punishment. The vicar general of the order, under strong pressure from Venetian authorities, had recently defined the Church's formal policy on sodomy by declaring that "secular justice requires that men who are sinners [sodom-

ites] are to be burned in a cage, but to us this penalty does not seem in accordance with sacerdotal dignity. Thus they [clerics] are not actually executed, but rather confined perpetually to jail where they finish their lives on bread and water."¹⁴⁴ While not as daunting as burning alive, it may be assumed that such a penalty was stern enough to create a fear of punishment among clerks if regularly applied. But that "if" was crucial. In reality the theoretical nature of the vicar general's pronouncement was revealed by the fact that after stating the Church's policy, he immediately ignored it in sentencing Geronimo and Bartolomeo merely to perpetual banishment. This sentence led the Ten to claim in frustration that the vicar general "did not fear the wrath that is called forth to rain down fire from the sky . . . as a result of this corruption of nature."¹⁴⁵ But the vicar general seems to have had trouble holding to even those minimal penalties. A little less than four years later we find the Ten firing off an angry letter to the pope because the vicar general of the order was considering *lifting his ban in order to allow Geronimo to return and had attempted to bring pressure to bear on the Ten to accept his decision.*¹⁴⁶

Similar examples of minimal penalties for clerics could easily be multiplied, but the Ten's problem is apparent. Under ecclesiastical discipline and jurisdiction, clerics were largely beyond the Ten's control. Thus, clerical society, at once within and outside of Venetian society, seemed to endanger it by leading astray its young and threatening to call down the wrath of God upon the city. But that wrath was feared even when secular society was not involved. For example, the Ten in 1483 became involved in a case against the bishop Giacomo of Adria and the nuns at the convent of San Geronimo. The Bishop was accused of "evil commerce and carnal couplings even in illicit ways with many nuns" at that convent.¹⁴⁷ Giacomo's eventual penalty was unclear. The Ten had only been able to vote to examine him with a representative of the patriarch of Venice present. They then sent their findings to the patriarch. It is clear, however, that there was substance to the charge, for two years later we find the patriarch and the Ten conferring on the removal of the abbess and those nuns "who were the cause of all the disorders in that convent . . . for the honor of God and the justice of our dominion."¹⁴⁸

A final case indicates just how involved such matters could become and also suggests that a certain caution is warranted in using these concerns of the Ten as an indication of the level of illicit sexual activity in the Church. It must be remembered that abnormal sexual activity was a normal charge leveled at those accused of heresy. A priori there is less reason to suspect the Ten of involvement in such defamation. But the accusation of sodomy did provide a convenient way to rid the city of troublesome clerics. In 1422 they began investigating a case involving Franciscans and a group of nuns belonging to the Franciscan sister order of Saint Clare. At first they left things quite vague, setting up a *collegio* to look into the "horrible deeds" of several brothers.¹⁴⁹ But a month later

they sent the pope a letter outlining their charges more explicitly: "A most horrible crime [was] committed . . . in the monastery of Santa Maria of the Franciscans. Certain terrible ceremonies were carried out against the human race and the image of Jesus Christ was trampled under foot. Others were guilty of sodomy. And some committed incest with the nuns of the convent of Saint Clare and other convents of the said order from other Venetian territories and with them they carnally mingled."¹⁵⁰

Images of heretical sacrifices in the heart of Venice by Franciscan friars and the nuns of Saint Clare call to mind a vision of a deeply troubled ecclesiastical establishment in Venice that our investigation of sexuality may merely touch obliquely. It may be that some of the charges of sodomy were more concerned with heresy. But such a conclusion runs up against the fact that this is the only instance where heresy was suggested in a case handled by the Ten.¹⁵¹ In fact, there is some reason to suggest that the argument could be reversed in this case. We know that the Ten was most concerned that the Church was not treating sodomites with sufficient severity. Given the Church's concern with heresy, what better way to secure stern penalties than to accuse clerical sodomites with heresy as well? Thus, rather than an accusation of sodomy being a ploy to increase the heinousness of heresy, Venetian authorities may have used an accusation of heresy as a ploy to increase the seriousness of a crime of sodomy in the eyes of the Church.¹⁵²

In the end, although the Ten spent considerable time and effort to secure severe penalties for clerics, generally banishment from Venice and Venetian territory was about the most clerics had to fear. Theoretically they could have been sentenced by ecclesiastical authorities to finish their lives in prison on bread and water, but lesser penalties seem to have been the norm. As a result, clerics were perceived as a serious problem, seducing young men into homosexual relationships without serious fear of punishment and in the process serving as important recruiters for a growing subculture of sodomy that threatened to engulf the city.¹⁵³

That subculture, whether a product of the fifteenth century or a product of that century's fears, or both, elicited the Ten's aggressive attention. Representing the most influential families of Venice, the Ten devoted an inordinate amount of time and expense to repressing sodomy. It seems, however, that rather than limiting the crime, the more they pursued the matter, the more sodomy they uncovered. Schools, clerics, barbers, foreigners, the young, the old, and even their own peers seemed undaunted by their stern rhetoric and even sterner penalties. The perceived subculture that moved the Ten to interfere in the Signori di Notte's prosecutions at the beginning of the century had come to dominate the Ten's activities and fears by mid-century.

From the rhetoric of Sodom and Gomorrah to the Ten's aggressive repression we have seen the one sexual crime where stern language and stern punishment coincided. In sodomy, fear and repression, language

and action, came together with grotesque results: Venice burned a considerable number of men alive or after decapitation. The crime that elicited this response was one of many faces. In its most pervasive form it seems to have involved homosexual relationships of the classical model with older males taking the active role and younger ones the passive. Atypically, for the Western tradition at least, the passive male was held to be less culpable for his acts and, therefore, normally escaped the death penalty of his active partner. The homosexuality practiced was of two basic sorts: the simulation of intercourse between the thighs of the passive male or anal intercourse. Reportage of the latter seems to have increased in the fifteenth century, but both types were practiced regularly with some males moving from the former to the latter as their relationships developed or as they grew older. But sodomy was not limited to homosexuality. Bestiality, though seldom reported, fell under the rubric. More significant were the prosecutions of anal intercourse with women. For some this practice appears to have been a form of birth control, for others a variation or preferred form of heterosexuality. Finally, homosexual rape and violent anal intercourse with women were labeled sodomy by the Ten. But behind this variety the theme of sodomy remained "unnatural sexuality."

A significant change in the perception of sodomy was signaled by the Council of Ten's assumption of the responsibility for the crime in the fifteenth century. This break with tradition, though touched off by a large case with important political and social implications, seems to have been related on a deeper level to a perception that a homosexual subculture was becoming a real threat. The Ten attempted to extinguish this danger with an aggressive campaign of legislation, policing, and prosecution. But, if anything, their records indicate that the homosexual subculture became a well-entrenched part of Venetian life at all social levels. Venice, the Council of Ten notwithstanding, could not avoid Sodom, but it did avoid Sodom's fate, being struck down not by God but by the considerably more mundane Napoleon almost four hundred years later.

VII

Perspectives on Normal Sexuality: An Essay

The relative nature of “normal” in sexual matters is strikingly delineated by the testimony of the parish priest of San Stefano in a case heard before the patriarchal court of Venice in the 1470s. A certain Nicolò had been accused by his wife of being impotent. Her goal was to have her marriage annulled on the grounds that after several years it had not been consummated. She claimed to be still a virgin and therefore unfulfilled in her desire to be a good Christian and a mother—in sum, to have been denied her legitimate place in the culture of sexuality. Anxious to contest his wife’s case and to prove his normality, Nicolò asked the priest of San Stefano to testify on his behalf before he left town with the fleet. As a result we have a curious, graphic account of one priest’s testimony in support of Nicolò’s normality:

Francesco Barbetta, patron of the ship [on which Nicolò was to sail], invited this witness [the priest] to dinner with him one day this month. Afterward he was taken by Dominico, a goldworker from the parish of Santa Sophia, to a certain house in that parish where there lived two female prostitutes, one called Maria and the other Magdalena. Shortly thereafter there arrived Nicolò, named in this case along with Giacomo, scribe of Francesco Barbetta, Francesco himself and a certain old man who Francesco said was his father. Before these people the said Nicolò pulled Magdalena to him and began to kiss her. When he saw that this witness was watching him he called to him, “Come here, Priest.” Then he took the hand of this witness saying, “Look here, I am a man, even though some say I cannot get it up.” And he made this witness feel his member, which was erect just like the member of any other man. This done, Nicolò placed Magdalena on a nearby bench and began to carnally know her. Seeing that he was being watched he called to this witness saying, “Sir, come here, put your hand here.” When this witness had done that, Nicolò extracted his member and covered his hand with

sperm. Seeing this the witness went over to Giacomo the scribe saying, "Giacomo, give me your hand." Giacomo took the hand sullied with sperm in his and cried, "Priest, you have tricked me." After dinner, moreover, Nicolò went to bed with the above mentioned Maria. When he saw that he was watched he called again to this witness saying, "I hope that you will be able to testify valiantly," and made it so that he touched his erect member while he was in the act of carnally knowing the said Maria.¹

It is not clear whether this testimony convinced the patriarch that Nicolò was normal sexually. It does seem to show that he could function sexually. But more important for our vision of normality, it shows men on the borders of the culture of illicit sexuality behaving in ways very distant from what the norms of Renaissance society seemed to require. If this was "normal" in Renaissance Venice for a priest and a patriarchal court, to assay the "normal" side of the boundaries of eros surely will be a hazardous task. Yet the elaboration of a set of crimes concerned with human sexuality and the commitment of government resources to discipline them reveals more than an enduring tradition of attempts to control human sexuality. Control is also a form of direction, prosecution a form of public boundary setting.

This is not to argue that prosecution creates boundaries. It may at times. But more realistically, prosecution helps to reify the perception of boundaries. It also performs a testing function in a judicial system like Venice's where the law was not particularly prescriptive, constantly examining the meaning of the perceptions of licit and illicit sexuality. As we have seen, case briefs tended to bring to the fore from the details of a crime what was seen or even felt to be most troubling or threatening in deeds labeled criminal. In turn, the penalties imposed tended to provide a concrete measure of those perceptions. When the matter in hand was troubling or unclear, the records are often at their best, consciously and unconsciously sorting through a range of themes, searching out the perceptual boundaries of eros for Renaissance Venice.

Those boundaries were broad enough and flexible enough to allow us to explore perceptions of not only criminal but also licit sexuality—what we might call, for want of a better term, normal sexuality, "normal" in a sense still rather distant from the modern conception, where the term reflects a strong internalized disciplining factor that probably has more to do with our socialization than any of our many disciplining institutions. "Normal" in the urban Renaissance may have been much less internalized; social customs and traditions still carried the great weight of social disciplining. We might argue that custom and tradition were but steps on the way to a more completely internalized concept of norms. Behavior, however, was correct because it was measured against tradition and custom in Renaissance Venice. In turn that made it normal; but it was not normal in its own right. This seemingly too fine distinction is crucial for under-

standing the uniquely dynamic situation we have found in Venice in the fourteenth and fifteenth centuries.

As custom and tradition were undercut by the rapidly changing conditions of urban life—the demographic and spiritual devastation of repeated waves of the plague; the economic dislocations of the period; the influx of individuals and family fragments to the city; and the rise in Venice of a closed social and political nobility—they became an insecure base on which to build the norm. Government and the courts moved to stanch the perceived wounds in the social fabric of tradition and custom and to reinforce the boundaries necessary for life together in an urban setting. Perhaps we can assert even more. Government, having found traditional normative mechanisms inadequate once it became involved in the process of recreating them, developed a momentum of its own that carried it in its attempt to discipline society even more strictly than had custom and tradition. The governmental logic of the norm was, and usually is, much more stern and demanding than custom. But for our analysis the primary point is that the “normal” in Renaissance Venice underwent a period of crisis requiring a governmental disciplining previously unattempted—a disciplining that made crime data particularly revealing for perceptions of normality.

One further qualification in our search for normal sexuality is required. On the whole the crime records reveal directly only the nobility's perception of the boundaries of eros. Yet we have encountered much that demonstrates that their perceptions were not always shared by the rest of society. In fact, we may argue that their disciplining of the boundaries of sexuality was a crucial way of imposing their perceptions of sexuality on the rest of society. At the same time their often high-handed and violent sexual behavior may well have played a major role in undercutting those very boundaries their government sought to foster. Nonetheless, the perspective of the documentation is decidedly noble. Crime and sexuality are too complex ever to have their perceptions completely dominated by a single social perspective. Regularly, we can see through the filter of noble values a pattern that reflects other styles of life and other perceptions. Thus, while we will necessarily concentrate in this essay on the nobility's perception of the boundaries of eros, we will not hesitate to follow the more tentative threads of non-noble perceptions.

Perhaps the most orderly way to proceed is to follow the sexual life cycles of males and females in Renaissance Venice. From the onset, it becomes apparent that we must discard certain givens in the still-young history of life cycles. The supposed discovery of childhood as a period of sexual innocence in the modern period is a myth the Venetian Renaissance helps to further undermine. The stern penalties for the rape of female children demonstrate a unique sympathy for the victim that is found virtually nowhere else in crimes that victimized women. Moreover, even when crimes were nonviolent, the courts seemed willing to assume that a

puella was innocent of any responsibility for her deeds. The same was true for males. They traditionally had no legal responsibility for their actions until they reached fourteen. But more important perhaps, even when they lost that traditional protection in the 1420s, they were still treated with unusual leniency given the norms of sodomy prosecution. Moreover, in homosexual matters they tended to be perceived as the passive victims of sexuality rather than the initiators, even when there was considerable evidence to suggest otherwise.

Though both male and female children were seen as largely innocent in sexual matters, their ages of innocence were of slightly differing duration. *Puellae* had a period of grace that lasted until puberty; in the fourteenth century this meant until the age of twelve. In the fifteenth century that age of demarkation shifted slightly upward. With growing regularity we find *puellae* of thirteen and fourteen. This suggests that in the fifteenth century some females were maturing later. It would be interesting to see from data in other cities if this was indeed happening and was therefore a general phenomenon of the period. It may, of course, be merely an illusion of the records. Yet there is no doubt that when girls of thirteen and fourteen claimed rape in the fourteenth century, they were viewed with suspicion because it was assumed their claims were aimed at securing husbands or dowries. They received sympathy in the fifteenth century and were labeled *puellae*.

Males, in contrast, had a firm tradition of gaining criminal responsibility at fourteen. On the surface the gap between male loss of innocence in criminal matters and female loss of *puella* status seems to mirror fairly well present-day medical perceptions of differing rates of maturity between the sexes. Females were assumed to mature a year or two earlier than males. But unfortunately, the parallel is not quite so neat. In Venetian society males came to maturity at a number of different times and in a number of different ways. A male at fourteen, especially at the higher social levels, was still a long way from adulthood, even sexually. But a female, once she reached puberty, was sexually an adult, ready to play the most important roles society envisioned for her, childbearing and child-rearing. Thus, the apparent gap of a year or two hides a practical gap in reaching adulthood that could stretch to a decade or even two decades.

To complicate matters, sodomy prosecution revealed a movement in the opposite direction: Young males, especially those in the age bracket of ten to fourteen, came to be seen in the early fifteenth century as so involved in homosexuality that their innocence could no longer be wholly maintained. The Ten decided that even as passive participants, they warranted some punishment. This certainly must be taken as a clear sign that children had lost some of their presumed sexual innocence.² But perhaps what we see happening here was less a denial of the innocence of male children than an extension of the period of adolescence (a term that appears with increasing frequency in the records). By pushing its bound-

aries both backward and forward, age ten in effect brought a certain responsibility in sexual matters, while age eighteen still allowed a certain lack of responsibility.

To be more accurate, we must say that sexual innocence for males was perceived to begin to fall away at about age ten, while for females it was lost two to four years later.³ This vision, although it does not fit any scientific model of differing rates of maturation, does conform to a currently popular stereotype that sees young males becoming aware of, and developing a lively concern with, "the facts of life" a few years before young females do. Clearly, such stereotypes have little to recommend them; yet they may reveal similar patterns of encouraging the sexuality of males while restricting that of females across a considerable span of time.

Childhood as an age of asexual innocence was in many ways a blessing for the female child. As the one period in life when a female did not need to be closely watched to protect her virginity or purity, it was a time of relative freedom and play, which the sex crime records reveal only as an aside. Frequently, we find young girls playing in the streets or roaming freely through their neighborhoods. At the top of society such freedom was apparently curtailed; even play was more closely monitored by servants and nurses. At the other end of the social scale the freedom of childhood was curtailed by economic necessity. Our records reveal female servants as young as seven and eight running errands, working about the house, and being victimized by masters, neighbors, and other servants. A life of this type must have left a young girl particularly open to sexual pressures.

Separated from her natal family, a great deal of a servant's sexual security depended on the sensitivity and protectiveness of the family a young girl found herself serving. As she matured, the innocence presumed of a *puella* must have been most difficult to preserve. The rape of young Antonia, daughter of Lucia di Roma, serves to underline the point. Antonia, described as a "*puella* twelve years old or thereabouts," was learning to be a servant in the home of a certain Agneta "as is the custom of poor children."⁴ Unfortunately, Agneta, the concubine of Piero Bos, was not the kind of mistress who could be counted on to protect her young employee. Rather, she sold the girl's virginity to Antonio Catelano. In the end, however, Antonia's victimization may have been the basis for her escape from a servant's lot, for the Forty sentenced her attacker to a jail term and a fine, 200 *lire* of which were to serve for her dowry. In addition her mistress, Agneta, along with a short time in jail, was required to add another 100 *lire* to the dowry.⁵ Thus, Antonia escaped her plight with a relatively handsome dowry of 300 *lire* presumably enough to lift her above the serving customary "of poor children."

The records of sex crime reveal another, less formal form of servitude, adoption. The vision of adoption as a benign institution that protected and nurtured children who for some reason could not be raised by their

own families does not seem to have been always applicable in Venice. The number of adopted daughters victimized by sex crimes is itself suggestive. It seems either that adoption was much more prevalent than assumed or that adopted daughters were left more exposed than were natural daughters.⁶ It is clear that many were treated more as servants than as children. A case of rape followed by continued fornication from 1420 reveals just how unusual it was to treat adopted daughters otherwise. The Avogadori were careful to note that the victim, Bianca, *filia animae* of Francesco, "had always been treated as a real daughter and dressed in rich clothes." The point was clear: Bianca was not the typical Cinderella-style adopted daughter, treated as a servant and dressed poorly, but rather she was treated as well as a real daughter. Thus, the Forty seemed to feel her attacker deserved a serious penalty, even though after the initial rape Bianca had consented to the continued relationship, eventually becoming pregnant. Her attacker-lover was sentenced to five months in jail and ordered to contribute 100 ducats for the girl's dowry. But then the Forty moved on to what was perhaps their real point all along, offering the culprit the opportunity to marry Bianca, credit her with a dowry of 100 ducats, and escape all other penalties.⁷

But Bianca's case was exceptional; more typically, adopted daughters were used as servants. They usually had, however, an advantage over the regular servant; it appears that normally in such relationships there was some form of tacit agreement that one reward for service would be an eventual dowry. The records of sex crime reveal a grimmer dimension of adoption. The exploitative potential of such relationships was great, and adopted daughters were frequent victims as exemplified by the case of a ten-year-old raped by her adoptive father (and married with the dowry gained from his sentencing a year later)⁸ or by the case of a twelve-year-old adopted daughter forced into prostitution by her foster family.⁹

Servants and adopted daughters were not the only *puellae* placed by necessity in a position where innocence was difficult to maintain. The growing participation of children in the work force, especially the cloth industry, dangerously exposed many. For example, in 1351 a girl of eight employed as a silkworker away from home was the victim of a sexual assault.¹⁰ The frequency of such attacks implies the prevalence of child labor, especially in the growing cloth industry. This picture of a sizable group of working children, in turn, reveals another perspective on the breakdown of the lower-class family as a disciplinary and protective unit in society. Such cases demonstrate the negative results of that breakdown, but at the same time they reveal some reasons for that breakdown and its process. Young girls adopted as servants or sent out to work as servants or in industry are only part of the story; in each case the protective family unit was broken, leaving such girls dangerously exposed.

The presumption of sexual innocence for the young did not extend to a presumption of sexual ignorance. The distinction is an important one.

The modern assumption of a virtual equation of ignorance and innocence was just not feasible in the Renaissance. Most families still slept, if not in the same bed, at least in the same room. This relative lack of privacy meant that the young were exposed to sexuality with limited possibility or thought of preserving their ignorance. There were frequent references to intercourse in beds filled with sleeping or uninterested bystanders, often children. Even in rape cases many women were reported to have been attacked while sleeping in bed with their children. Yet, aside from noting the children's presence, the Avogadori never make any reference to the impact such acts might have had on children. The Avogadori, in looking for additional dimensions of rape, may have spent considerable time evaluating property losses or damage to the honor of the family, the commune, and the law, but children were virtually invisible. In the Avogadori's perception they were not ignorant but innocent and thus virtually unseen fixtures of the sexual landscape, much as they must have been on a daily basis in their own households. The sympathy for children as victims and the lack of interest in children as bystanders must in large part be related to this distinction between ignorance and innocence. An exposure to sexuality was general for children, but at the same time children were deemed asexual; in this way childhood could be seen as an age of sexual innocence but not of ignorance.

Once puberty was reached, this perception changed radically, especially for females. The penalties for rape demonstrate this most concretely. When a girl reached puberty, she suddenly became a sexual being. Thus the males of the Forty just as suddenly began to have considerable trouble deciding what role these young women played in their own victimization. The Avogadori sought to overcome their uncertainties by stressing the resistance that young girls used to attempt to stop their attackers. The stronger this resistance, the more likely the Forty was to respond with severity. Yet, taken as a whole, the unusually mild penalties they imposed for the rape of unmarried women indicate that more often than not uncertainty remained. In fact, these doubts about the sexuality of unmarried women are reflected in myriad ways in Renaissance society. Perhaps the most important was the unseemly rush with which young women were pushed into sexually secure social placement once they reached puberty. Marriage, of course, was preferred. The convent was another acceptable alternative for those of high enough station to be able to afford it.¹¹

But these placement imperatives created serious problems for young women farther down the social scale, who had little dowry potential and whose prospective husbands were frequently not in an economic position to marry. A priori, we might expect a considerable pool of "unplaced" young women in the lower social ranks. Many achieved a certain placement by becoming servants. But in Venice many other young women were sucked into the extensive corps of prostitutes who served the city. Marin Sanuto in the early sixteenth century noted that there were 11,654 prosti-

tutes in the city.¹² This number is almost surely extreme, but I wonder if it is as completely unreasonable as has been assumed. Not all prostitutes, of course, were recruited from the poor of the city. Many, as we have seen, were recruited from the countryside; some were lured to the city by the potential it seemed to offer in general, others by the potential it offered for their profession, and still others by professional recruiters. For the great mass of prostitutes, their career was as much a form of social placement as marriage was for the more economically secure, at least as long as they were young, healthy, and, from the perspective of the more established, sexually dangerous. Thus, although the primary reasons for the legalization of prostitution must be traced to other factors, it was not without significance that legalized prostitution provided a regularized and disciplined place for women in society who might otherwise have remained dangerously unplaced.¹³ By capitalizing on the sexuality of young women who did not have the economic status to fit into society through the normal dowry system, one might argue that society created a secondary sexual economy that safely incorporated the sexuality of young women too poor to participate in the primary system. Needless to say, most so placed may have felt more victimized than aided by such placement.

Many other lower-class women, however, appear to have fit into a gray area between marriage and prostitution that was inhabited by concubines or by couples who lived together without formally claiming to be married. At the lowest levels of society this condition appears to have been relatively accepted, as the attempted rape of a certain Anna illustrates. Anna was leading a life the Avogadori described as "not being honest" with a Slav named Giorgio. To make sure that there was no doubt about their meaning, the Avogadori specified that Anna had had regular sexual relations with Giorgio and had lived with him for some time. Nonetheless, when Pietro from Albania, who lived in the same parish as the couple, attacked Anna, she put up a strong resistance and called for help. Her neighbors came readily to her assistance and routed her attacker, suggesting that, the Avogadori's moralizing aside, Anna was considered a member of the neighborhood. In the end the Forty treated her attacker with severity as well, sentencing him to eight months in jail, a most serious penalty for an attacker of a woman of little status.¹⁴ Anna and Giorgio may not have been married, but their pairing appears to have been accepted eventually even by the Forty. Informal pairing at the lower social levels then, though formally questionable, seems to have been in practice accepted and fairly regular. A factor that contributed to this was the uncertainty about just what constituted marriage, especially at the bottom of society where the lack of a dowry rendered the formalities of marriage largely superfluous. In such situations it appears that at most a promise of marriage in the future was adequate for many. Of course, the Church, as we have seen, required little more, arguing that marriage needed simply the consent of both parties.

Virginity remained, however, an important requirement for young unmarried women, at least theoretically. But it must be reiterated that a host of factors indicate this ideal was not being adhered to and that as one moved down the social scale, it was much less a concern. For the higher social levels virginity as an ideal remained important. A woman, as a sexual piece of property with the primary mission of preserving the bloodline of a family, could not be compromised. Thus we have the curious behavior of noble families whose daughters were accused of fornication turning to the state to have them examined physically and the results announced publicly. Humorous, if it were not so serious, such behavior reveals an enduring, deep concern with virginity. One might question whether this fixation on virginity went deeper than bloodline concerns, as males from the higher levels of society exhibited a special predilection for attacking prepubescent girls that suggests a deeper and darker interest in virginity and the sexual innocence it implied.

Lately the thesis has been proposed that in the Renaissance there was a feminization of life engendered by the virtual domination of the childhood years by young mothers who, because they were so much younger than their husbands, bridged the generational gap between fathers and sons.¹⁵ In a society that put strong demands for masculinity on males, the dominating woman of a child's early years may well have created deep tensions in young males, especially when those young males found themselves in a prolonged, relatively powerless adolescence. In such a situation the victimization of extremely young and clearly virginal females takes on a deeper meaning: Such crimes provided a violent and hence more masculine (by Renaissance terms) means of expressing power and sexual superiority over the female. And similarly, her virginity and extreme youth at marriage helped to assure a wife absolutely unlike the once powerful mother—a wife who was too innocent and untrained to be a threat to the male just leaving adolescence and still insecure in his power. As the marriage manuals and moralists of the Renaissance loved to point out, a young virgin wife was still malleable and could be trained to serve her husband and his interests well. Was not our young man being told here as well that in virginity there was a guarantee of a weak woman whom he could handle?¹⁶

Moving down the social scale, however, the ideal of virginity lost much of its weight. First, women were beginning to offer more to marriage than children and household skills. Especially at the middle and lower levels of the Renaissance city they were more frequently important breadwinners. Thus economic concerns began to outweigh concerns with sexual purity. More important, however, lower-class men and women, often recent immigrants to the city from the countryside, continued a tradition that saw premarital sexuality as a matter of small import. If pregnancy developed out of such sexuality, it was assumed that marriage would follow. Premarital intercourse was predicated to a great extent on this tacit

assumption, frequently made explicit in Venice. In case after case a promise to marry was the immediate prelude to intercourse. If the woman did not become pregnant, the commitment to marry might be reconsidered. At times, however, when only one partner rejected the promise, the matter might come to the attention of the Avogadori and the Forty.

It is significant that a marriage promise or the expectation of marriage underlay much premarital fornication. Thus, even in this aspect of sex outside of marriage, marriage was the ideal aim of the relationship. Such a distinction may seem unnecessarily fine, but it helps to explain why, especially at the lower social levels, premarital intercourse was not believed to be deviant *per se*. Only when it was derailed from the normal marriage track was it treated as criminal, and then primarily with an eye to encouraging marriage. In an Aristotelian sense we might say that as the acorn was the oak *in potencia*, so too fornication was a first step to marriage. If this distinction is accurate, moreover, the prosecution of non-noble fornication by the Venetian nobility may be seen as less an attempt to impose an elite's morality on the lower social strata than an effort to make sure that the traditional arrangements of the lower classes continued to work in the more fluid environment of the city. For the higher social levels virginity at marriage was an ideal; for the lower, birth in wedlock was the goal. Venetian government worked to secure both.

This is not to suggest that the government displayed a unique social sensitivity on such matters; it would be more accurate to argue that the largely practical and reactive approach of government to sexual matters meant that it would deal primarily with problem areas that were brought to them. As a result, at different social levels they encountered different aspects of the crime labeled fornication; therefore, prosecution represented more a discourse on the topic than a sermon imposed from above. In turn, this implies that the Venetian nobility perceived their society as so hierarchical that real discipline required a different discipline at various social levels.¹⁷ Yet there were certain normative tendencies for society as a whole in prosecution that must not be overlooked. Most important, sexual women were to be placed at all costs in marriage or on the road to it. Only at the lowest social levels, at the margins of society where norms did not reach effectively, did individuals slip outside that procrustean mold of normal female sexuality. Prostitution was the major exception to this picture, but as we have noted, a significant feature of prostitution also was its placement of sexual women. This more general norm, however, was merely a beginning step toward sexual uniformity and in the Venetian case one that served more the practical concerns of a male-oriented commercial society than any puritanical or overtly antisexual vision.

Courtship before marriage in the Renaissance has generally been viewed as an upper-class phenomenon and even there as problematic. The courtly ideal of the late Middle Ages certainly placed a premium on the wooing of women to win their respect and love. But the objects of that courtship

were married women and the aim of the courtier was a spiritual affair, adultery, or both, not marriage. Moreover, courtship in that ideal generally saw males of lower status or power seeking the love of women who ranked above them at court. All these factors have made historians quite wary of the idea that such concepts were reflected in the quest for a wife. Making that position even harder to credit is the plethora of information on the arrangement of marriages by families with an eye to economic, social, and even political concerns. Obviously, such practical concerns of the family left little room for the frivolities of courtship. In fact, courtship could well create a dangerous interference with family marital strategies. Thus, *a priori* we should expect to find very little evidence of courting in the records of sexual criminality.

Yet, quite the opposite is true; there is extensive evidence in our records of courtship at all social levels. This was less true in the fourteenth century, but the fifteenth-century records are rich with references. Still, some courtship was startlingly direct, so direct that it seemed closer to rape than wooing. A fine example involved Francesco Papaciza and Ursia, daughter of a fisherman, both of whom lived in the parish of San Nicolò. Francesco had been pursuing Ursia for a time before finally, with a promise of marriage, he persuaded her to let him into her house and her room. Once inside, however, he found that things went less smoothly than he had anticipated. Ursia was reluctant to proceed. At last Francesco forced the matter, insisting that "either by love or force I want you to give yourself to me."¹⁸ Ursia gave in to this threat and a declaration of love, but only after she once again secured his promise of marriage. In fact, her doubts appear to have been well founded, for after enjoying her favors for a while, he fled town.¹⁹ Although such cases reveal little of the details of courtship, it is clear that wooing and threats went hand in hand at times. Other suitors were, if anything, less than ideal courtiers. They used "blandishments" and "sweet words" to lure young women to private places, raped them with a promise of marriage before or after the fact, then continued the relationship with the woman's consent. The frequency of this seemingly unlikely scenario might lead to the suspicion that it was merely a typical claim on the part of women to gain sympathy and reduce their culpability for consenting. But young women were not prosecuted for fornication, and if raped at the outset, they still seemed in this type of case to have continued their affairs voluntarily. In fact, we find references to such affairs that began with rape, continued for years, produced children, and even in one instance involved incest and a nun. For such cases a claim of rape seems unlikely to have been considered much of a mitigating factor. Ultimately, it seems much more reasonable to admit that physical violence was at times mixed with wooing in the initiation of sexual relationships. Significantly, in such cases rape was usually either preceded or followed by a promise of marriage that seemed to make a continuation of the relationship legitimate.

Nonviolent courtship, however, played a more important role across the social spectrum. Lower-class males visited young women, talked with them and their families, and even gave presents. Upper-class males did likewise, although such attentions may have been less well received by families eager to place their daughters more selectively. Toward the bottom of the social hierarchy, courtship and premarital intercourse helped women overcome a great weakness, their frequent lack of a dowry. A young woman could partially overcome this problem in other ways by offering her future husband a skill that would contribute to the economic potential of the couple, offering family connections that might help establish them, or even offering a sturdy body or a lively mind that could aid the man in his craft. All made a woman an attractive partner, but a period of premarital contact was required to evaluate these assets. Thus, while nobles could contract marriage, the lower strata of society often saw the wisdom of working their way to it through a form of courtship.²⁰ Sex crime reveals just the edges of this practice, usually when courtship gone wrong slipped into rape or when promises of marriage were broken.

If this analysis is accurate, and there is much evidence to support it, courtship may well have been more a phenomenon of the urban lower classes and more accepted at that level, where it probably had little to do with the literature of courtly love filtering down from above. Rather, the growing importance of the female partner made prenuptial contact a wise policy. If true, this reversal of the accepted vision of courtship originating with the upper strata of society suggests that we might even rethink our conceptions about the medieval tradition of courtly love. There is little doubt that much of courtly love's ideal was a noble conceit with strong ties to an intellectual tradition that can be traced through Christianity and Islam well back to the beginnings of Western thought. But there are aspects of courtly love that point suggestively in another direction. The emphasis on the lover of lower social station, the romanticization of the simple life, the idealization of sexual or spiritual relations based on sexual attraction and the female's acceptance, may all point toward an idealization of lower-class sexuality without denying that intellectual traditions played a role in that idealization. Is it possible that our stereotypes of non-noble life mired in ignorance and a struggle for basic subsistence misses, especially in southern France, the heartland of courtly love, a much richer social mix below the nobility that already practiced forms of courtship? A courtship that doubtless the troubadours transformed and romanticized in taking up, but nonetheless *took up*. It is relatively easier to point to Ovid and Plato along with the intellectual propagandists of courtly love. But the early troubadours especially were familiar with a much wider range of society than the court. There they may have found a situation that when suitably idealized meant as much to their hearts and desires as to their minds. This is largely speculation, but the Venetian situation suggests that in the area of courtship and sexuality we must be wary of the trickle-

down vision of social mores. Feelings and ideas may well have moved up the social scale as well, there perhaps to be clothed in finer garb and perfumed with the scents of classical culture.

Not all courtship, however, was aimed at marriage. Upper-class males, especially in their long period of adolescence, often turned to the more humble women of society as outlets for their sexual desires and at times for an opportunity to express the dominance that was expected of them. Such courtship did not tend to be very open. Its aim was to win a mistress through gifts or displays of power. Some, of course, took little persuading. The opportunity to forge a tie, even a theoretically irregular sexual one, to a powerful family must have been quite difficult to reject. Such relationships are the type that would seldom surface in our records. Occasionally a pregnancy or a case that escalated to rape or the claim of rape reveals the outlines of such activity. Normally power and wealth had their way quietly, the frequent illegitimate children of noble households being one of the few overt signs of such activity.

Once again, however, the prevalence of this shadow culture of courtship and sexuality suggests a dimension of upper-class life that has been little considered. We might assume that these well-to-do young men formed liaisons with women of lower status in so abstract and distant a fashion that they had sexual intercourse with them in the absence of virtually any other form of intercourse. But perhaps this unlikely assumption has had the power it has only because we have been unwilling to baldly state what it implied. When once we consider the impact on a hierarchical society of men breaking across social boundaries to find sexual contacts, we come face-to-face with a potentially explosive situation. Powerless adolescents finding pleasure and demonstrating power down the social scale; married men finding an escape from duty and family control down the social scale; older powerful patricians finding sexual contacts down the social scale—all must have created a powerful sexual-social calculus difficult to ignore. On the negative side this calculus may often have been merely a matter of exploitation. But from another perspective it must have led to more intercourse across social boundaries than we have imagined. Without denying that some of this intercourse reinforced the social hierarchy, some of it was potentially subversive, creating an intimate contact with popular values and culture.

The affair of the young noble Domenico Contarini and his mistress Gratosia, who held him enthralled by her "black magic," seems a perfect metaphor for the situation. "Black magic" and magic in general, much like witchcraft, seem to have been associated with popular culture, a culture that was feared in part because it threatened to overturn or overcome the dominant culture. For Contarini that was literally true. Yet, from his perspective he had discovered love and a relationship that comes through the Avogadori's biases as meaningful and satisfying. How many others responded positively to the lower-class culture they encountered

sexually it would be impossible to estimate. Probably we should assume that most responded with some ambiguity. The prevalence of rape that victimized women of lower status suggests that a considerable number of men responded with hostility or disdain. Still, behind such speculation one conclusion remains firm: Sexuality that crossed social boundaries, even when it was exploitative and violent, did break through the barriers of a hierarchical society in direct and emotionally significant ways. Some of those acts may have reinforced that hierarchy; others almost certainly undermined it. Thus, we may assert that what has been called the double standard has in hierarchical societies the potential to subvert much more than the family—it threatens the social insularity of the society itself.

Young men in Renaissance Venice provide another perspective on courtship. Not only did they court young women, they were also the objects of courtship. The long period of male adolescence was ideal for the creation of a homosexual subculture. Simply in terms of freeing men from heterosexual responsibilities—the “marital duty,” as moralists were wont to phrase it—society left young men open for a long period of sexual experimentation. Also, the Venetian perception of an asexual and largely passive innocence in childhood fit well with the passive-active dichotomy of most homosexuality. An initiation to sexuality as a passive partner in a homosexual relationship in a way provided a learning period without sexual responsibility. In fact, it may well be that quite a few learned accepted male sexual roles by experiencing them first as passive partners.

Courtship in homosexual affairs was in many ways different from that in heterosexual relationships. Two interesting parallels, however, seem significant. First, here also we find a large amount of activity moving down the social scale based on the attraction of power and prestige. The noble lover had great advantages as did men of significant wealth and power below the nobility. But a relationship between males could go further; there are indications that these contacts often had educational and clientage overtones as well as sexual ones. A second parallel is that courtship often became directly violent, bordering on homosexual rape, but again for some such violence initiated long-term nonviolent relationships. A strong perceptual bias toward a passive-active split in sexuality may have helped to make a certain level of violence less troublesome in both heterosexual and homosexual relationships. When sexuality is seen in terms of a sliding scale bounded on one side by violence and on the other by passivity and victimization, the exact demarcation of acceptable behavior is difficult to gauge.

On the whole, however, homosexual courtship must have been more limited than heterosexual—the severity of society’s rejection required circumspection. Nonetheless, certain areas of the city and certain establishments seem to have been recognized as places to make contact. Schools that taught fencing, gymnastics, and the abacus, along with pastry shops and barber shops, seem to have been likely areas for courting. For hetero-

sexual courtship there was less opportunity for such contact outside a family setting, especially at the upper social levels. Ultimately, this may have been the primary difference in courtship—males had relatively open access to each other while heterosexual contact, at least in theory, was more carefully regulated by family and society. Significantly the Ten, aware of this, sought to limit homosexuality by imposing a form of age segregation on male gatherings. They hoped that this would separate older active males from younger passive ones. Needless to say, their hopes were foiled.

But their attempts suggest yet another perspective on age categorization that might warrant additional study. Perhaps growing age sensitivity, categorization, and segregation may to a degree be related to attempts to restrict homosexual activity. This unlikely sounding premise is supported not just by the fact that in Venice much of the legislation designed to restrict homosexuality made finer age distinctions than had been made before. More generally, the concepts of childhood itself seem to grow stronger in urban settings often associated at the same time with developing homosexual subcultures. The urban setting, of course, has a wide range of possible effects on childhood, several potentially more significant than attempts to distinguish and segregate age groups to prevent homosexuality; but it would be interesting to see how these factors fit into the developing discourse on age distinctions, especially in terms of childhood and adolescence. In the end that discourse in Venice, fueled by deep fears, actually aided in the creation of a homosexual subculture. Concepts of passivity in childhood and a prolonged adolescence helped set off the young male from heterosexuality, putting him in a special legal and social category. This in turn provided a fertile environment for a homosexual subculture that Venetian authority tried to restrict by further isolating childhood and adolescence.

Did this discourse on age and sexuality develop the corollary that the homosexuality of the young was merely a step on the way to adult heterosexuality? Support for such an interpretation is provided by the much milder penalties imposed on young passive partners. Perhaps as the fifteenth century progressed, with penalties becoming more severe for passive youths, we are seeing a growing fear that such experimentation was no longer merely a stage. The dialogue was becoming clearer: A growing awareness and fear of a homosexual subculture crystallized the perception that some continued to prefer homosexuality to heterosexuality as they grew older. Still, there are indications that the nobility was willing to ignore a certain level of sexual experimentation among the young. When that experimentation seemed to be becoming a permanent mode of sexuality—that is, when young adolescents hooked into the developing homosexual subculture as a passive partner or when they became active—the nobility felt compelled to act with more and more sternness. This implies that limited experimentation was seen as less of a threat, a form of

development from an asexual and largely passive mode to the "normal" male stance of active, even aggressive sexuality.

For males this period of transition called adolescence could be an especially long and difficult one. At the upper social levels economic power came late and marriage was a stage of life that had to wait until a sound capital base was built. In addition, family concerns dictated that a general family policy on marriage and reproduction be given its due. It appears that families frequently restricted males from marrying with an eye to limiting the division of a family's patrimony among too many heirs. Thus, for some bachelors a form of sexual adolescence never ended, but on the whole those who married at this level of society had to wait until their late twenties or early thirties.

Across this long transition the culture of illicit sexuality was central. Several forms of sexuality were knit only imperfectly into the social fabric, partially to meet the sexual needs of young males and partially to keep adolescent sexuality from doing even greater damage to society and family. None worked particularly well and perhaps this goes a long way toward explaining the adolescent problems that plagued Renaissance society.

The most legal and strictly controlled aspect of this culture was the prostitute. Beyond prostitution there was a more informal network of concubinage that was of questionable legality. But even at this level many of these relationships were probably regularized by some kind of financial commitment and by an *ex post facto* willingness to raise the illegitimate children that resulted from such liaisons. Of course, the very informality of such relationships compounded by the disproportionate status of partners meant that any number of problems could develop. Many of these turn up in our records of sex crimes. Perhaps the largest problem—what happened to the ex-mistress—the records leave largely unresolved. Some who worked as servants may have continued if circumspect in their position. Others may have quietly been married off to clients. But many may have sunk into the ranks of prostitution or to the edges of society. The fate of this group of women is probably unknowable in any detail, but they were a significant cost of society's need to prolong male adolescence at the higher social levels as sure as adolescent unruliness itself. Finally, moving to the violent edges of the culture of illicit sexuality, we encounter aggressive victimization of women. Rape, especially against women of lower status, expressed another important form of adolescent sexuality. As noted for the adolescent male moving from passivity to activeness, rape had an important assertive quality that was at times perhaps more meaningful than its sexual nature. Thus, although young males of higher status could buy prostitutes legally and win concubines without fearing much censure, they also were often involved in rape that expressed the active-aggressive status that adolescence in so many ways denied them.

At the lower social levels adolescence was often quite a different experi-

ence. Marriage, in providing another wage earner, offered considerable economic benefits as well as liabilities. Thus, although we lack adequate data for Venice, it appears that these men with some means married at a younger age than their upper-class peers, probably in their late teens when they had gained enough status in their trades to attract a young girl endowed with a dowry or skill. For such males adolescence was not only shorter, it was also more personally meaningful. In fact, it was a time for a young man to build the basis of his life by learning a trade. This much more engaged form of adolescence may well have left little time for sexuality. Yet we see many of these young men also courting, visiting prostitutes, and at times raping their peers. The prime difference was that those at the lower social levels with some economic prospects moved through adolescence more quickly. Those without those prospects were too marginal to the society to have an adolescence just as they were too marginal to often gain the placement that marriage implied. The culture of illicit sexuality was their primary sexual domain.

For women matters were virtually as complex and we come up against another set of problems equally overlooked. In contrast to the bachelor, Renaissance society had little place for the spinster. A female's place was as a child in a family, as a wife in a family, or as a widow in a family. Even the last status was suspect. Women of sexual age belonged in a formalized pair. Of course, the culture of illicit sex offered a placement as well. Prostitution, formally legal but carefully isolated and policed, "placed" a large number of women in Renaissance Venice, even if we are unwilling to accept Sanuto's estimates that as many as one woman in ten was a prostitute. On the borders of that culture, single women could be "placed" in the households of others as servants. For the young and attractive that life may not have maintained chastity, but as long as childbirth was avoided, it allowed a woman to escape prostitution. Women at the higher social levels, however, lacked the option of such placement. The convent or marriage were virtually the only choices. With dowry inflation soaring despite periodic attempts at control by the government, the convent with its smaller dower requirements must have seemed particularly attractive. As we have seen, certain convents were not particularly committed to spirituality or restrictive of sexuality. They offered the daughters of the well-to-do a fairly active and attractive life that included relative freedom of movement, education, and considerable contact with the outside world, including its sexual life. In many ways this convent life was the ideal institutional placement for young women who were too costly to dower, too dangerous to be left single, yet too dear to be abandoned. They were allowed to live with a certain style and grace as long as they were discreet, and in the process they were placed and thus maintained their families' status and dignity. But a problem arises in this context—the availability of convent spaces seems to have been pressed even by the number of noblewomen seeking a place. A few more humble convents managed to

survive, but barely, on communal and community charity. These took a small number of poorer women usually dowered by pious bequests. But most women below the nobility were forced into other options. Even for noblewomen, noble marriage or convent was occasionally insufficient. A few married down the social scale and some remained spinsters.²¹

The rigid requirement for female placement was perhaps the most limiting and negative restriction put on female sexuality. Much like the prolonged adolescence of males, it did much to foster the culture of illicit sex, forcing many into prostitution and others into servant status or the convent. Significantly, for both males and females, their position was largely predicated upon economic concerns: for the male, inheritance and economic independence; for the female, the dowry. But for each those economic imperatives were filtered through informal and traditional channels rather than imposed from above by formal governmental disciplining. At most that discipline had come to the aid of the family, placing some limits on the culture of illicit sexuality.

Marriage was the focal point of accepted sexuality. Even prostitution was, from a sexual perspective, merely its reversal institutionalized—sexual encounters denying legal obligation or familial responsibilities. But as a contractual relationship of social organization and familiar continuity, marriage's broader range of signification has often tended to obscure its sexual significance. Perhaps rightly so, for although our concern with sexuality has led us to this central social fact of human organization, marriage was so much more than the accepted place for sexuality that its sexual aspects were decidedly secondary. In fact, we might reverse the point and argue that the focusing of sexuality within marriage—an institution charged with so many other economic, social, and political responsibilities in the Western tradition—has done a great deal to limit the significance and scope of sexuality in human life. Essentially, sexuality has often been too much a minor aspect in relation to the major concerns of marriage to get its due. In a way, that fact underlay the courtly ideal of adulterous love and the much more complex culture of illicit sex that developed in the Renaissance.

In Venice the sexuality of marriage faced great obstacles. Especially at the upper social levels, males had established a sexual identity and habits well before marriage in the culture of illicit sexuality. Young girls in their early teens when married to such men must have had trouble competing with those habits and that other culture of sexuality. It is easy in such a situation to accept the stereotype of the "normal" noble wife retiring immediately to become the cloistered and largely passive childbearer with little sexual experience or desire. That stereotype, however, is undermined at least to some extent by the records of sex crime, where we find women of status with increasing frequency initiating sexual affairs of their own and even leaving their husbands to run off with lovers. Venetian authorities were obviously very troubled by such crimes as their unusually stern

penalties reveal. But at the same time we find a certain pragmatism that allowed the Forty to work out arrangements for the support of such women and their offspring and occasionally to act more as intermediaries than as disciplinarians. Yet even as disciplinarians, the government reified the increased sexual status of married women by beginning to prosecute them for adultery just as they prosecuted men. No longer was their disciplining left to the family; now a woman, like her male counterpart, was punished with roughly equivalent jail sentences and fines. It is clear that the stereotype of the noble wife tied to family and children and her passive sexuality did not always work. The increasingly active role of such women in initiating affairs suggests that, if anything, it was becoming less apt, even though the Avogadori clung doggedly to their rhetoric that described a woman's sexuality as always passive.

What stood behind this growing feminine independence is difficult to pinpoint. Perhaps ultimately such deep changes are impossible to deal with in terms of causal models. Too much is involved. Yet surely the demographic, economic, and psychic dislocations of the recurrent waves of the plague must have played a role. Also, dowry inflation must have contributed. Even as a mere piece of property, as a woman's value became progressively higher, she may have been perceived as literally dearer in both senses of the term. And, of course, not only would women be seen in that light; more important, they may have come to see themselves in that light. Young women who brought with them a great deal of their family's wealth and prestige may well have been unwilling to become merely the passive recipient of their husband's sexual duty. We might also consider that the same culture of prostitution and concubinage that made some husbands indifferent spouses may have made others interested and perceptive teachers. If not, some schooled in that culture appear to have been eager to provide sexual instruction for noble wives through the school of adultery. In other words, the same culture of illicit sexuality that in many cases undermined the sexuality of marriage may have stimulated and improved its sexual quality for others. But the further one pushes such generalizations, the more tenuous they become. We are more certain describing the change, and it is clear that upper-class women were expressing their sexuality more forcefully by accepting lovers, even non-noble lovers, running off with them, and occasionally siring their children.

For women at the lower social levels an active sexuality in marriage and beyond it seems to have been important for some throughout our period. Partially this may be attributed to noble stereotypes that assumed women of lower status were more available sexually. Yet, when we separate out cases that involved exploitation from above, a large group of adultery cases remain in which married women were clearly seeking a more attentive sexual alliance. Frequently that relationship, even in the criminal records, reveals an affective tie as well. Again these facts undermine a

traditional stereotype that holds that as one moves down the social scale, the quality of sexuality deteriorates and the probability of affection in sexuality inside or outside of marriage decreases. Certainly, the hard and insecure life of the *popolo minuto* makes such stereotypes seem logical and at the lowest levels of society perhaps irrefutable. But above those levels, where the family was a cooperative effort between partners of relatively equal age and economic stature, there was a possibility of affectionate alliances that had a sexual component. Of course, we must be wary not to romanticize lower-class life. Much of it remained brutal and hard; affection certainly was not a clearly articulated ideal and many, perhaps even most, neither expected nor received it. Yet that harsh vision must be qualified by Antonio di Udine gently pleading with his wife and her lover to give up their affair and bring a marriage back together, along with their several attempts to sort out their complicated ties of affection and emotions with eventually disastrous results. The play of affection and emotion revealed by such cases was clearly too complex to be subsumed under the stereotype of marriage at the lower social levels as merely an affectionless set of obligations aimed at survival and procreation. In fact, many of these cases suggest that rather than assuming that the companionate vision of marriage was passed down to the lower classes from above, it might be wise to take a closer look at such families not in the destructive cauldrons of the early industrial revolution, but in settings where the ecology of such relationships had some chance of functioning.

How important a role sexuality played in these marriages remains difficult to gauge. Again it is easy to assume that economic necessity—the requirement that a family not overextend its resources by producing too many children—meant that sexuality had to be severely restricted. But once more the records of sex crime complicate the picture by demonstrating that at least two methods of birth control were understood by the lower social strata and perhaps the upper as well. Coitus interruptus was referred to specifically as a means of avoiding pregnancy and in such a matter-of-fact way that it appears clear that no one hearing the case on the Forty needed an explanation of the procedure. Of course, coitus interruptus is not an entirely reliable method of birth control, but it does reduce the risk of pregnancy and thus the economic risks of intercourse. It may also be another factor in the correlation that Herlihy and others have discovered consistently between wealth and the number of children per family in Renaissance society. A second method of limiting reproduction, anal intercourse, although never explicitly labeled a form of birth control, also seems to have been recognized. Most suggestive is the fact that the early cases of this activity reported between husbands and wives invariably ended with acquittal. Eventually, however, as paranoia about sodomy grew, the Ten did convict and punish husbands, first with lesser penalties, but occasionally toward the end of our period with execution. It appears that as the Ten became more concerned with what they saw as a growing

subculture of sodomy, they became more willing to burn out of society what they had previously viewed in the light of contraception and thus been willing to overlook. Nonetheless, even in the mid-fifteenth century, the Ten remained very circumspect in its prosecution of anal sexuality with women. In sum, there were birth control methods that at least offered a possibility beyond abstinence to avoid the economic hardships of children. In addition, of course, abortion, exposure, and the foundling home, perhaps less acceptable methods, nonetheless seem to have been used. Finally, adoption, which appears from the sex crime records to have been quite prevalent, may also have helped to reduce the economic burden of childbearing. Without pushing any one of these points, we can assert that the lower social levels were not necessarily forced to abstinence by their economic problems. As our records show, sexuality could and did play a major role in some of their marriages. When sexuality within marriage was unsatisfactory or inadequate, a considerable number were willing to seek other relationships to fulfill their desires. In turn, although Venetian government was willing to discipline such matters, it did so more with an eye to protecting familial stability and the social placement of women and children than with a concern for morality and chastity.

Marriage, then, especially in the ranks of the more established members of the lower strata of society, seems to have carried with it some expectation of affection and a certain level of sexuality. That failing, many chose adultery. Yet, an indication of how strongly marriage served as a focal point of sexual life is revealed by the fact that even in adultery many couples ran off together to form new, marriage-like pairings. Those who were more discreet and perhaps less drawn by the marital ideal were probably much more capable of escaping prosecution. Their sexuality seems to have had two diverse faces: one moving down the social scale and largely exploitative and a second with a common social status often involving neighbors, friends, or persons associated by craft. In both cases other people did not seem to be particularly troubled by the sexuality of such relationships. Neighbors, friends, and even parents and other relatives helped to set up the affairs, often providing rooms and alibis for the lovers. In turn, when relationships occasionally became public, the courts of Venice responded with a moderation that suggests a tacit acceptance that adultery was a regular feature of Venetian life. Thus, in a rather strange way we must conclude that while marriage was ideally the focus of Venetian sexuality, in reality adultery extended the sexual possibilities of both males and females.

After marriage the records of sex crime are disappointingly silent. Widows appear occasionally as victims of sexual attacks, but otherwise there is little information. Given early marriage ages for girls and the gap in ages between the sexes, it is reasonable to assume that widows were a common feature of the Venetian scene. This assumption seems to have been shared by Venetian husbands who frequently in their wills were

most anxious to define the terms of a wife's widowhood. Normally, they attempted to encourage their wives not to remarry by setting up financial rewards that would be terminated if the widow found a new husband. Such attempts at postmortem control were not entirely as macabre as they may seem; often they were motivated by a desire to protect the children of the marriage and at the same time protect the patrimony. A widow forced to marry by necessity, it was feared, might well give less attention to the children of her first marriage than to those of her new one. Thus, many wills rewarded widows for staying single and raising the children of the marriage. If, however, the widow was unwilling to fulfill that patriarchal objective, there was less reason to settle a portion of the family wealth upon her. Given this logic, it is suggestive to note that in a few cases, even at the highest social levels, wills left the woman free, giving her handsome bequests whether or not she chose to marry and occasionally even recommending marriage. Such wills imply that in those marriages affection may have overcome even the economic concerns of family.

Still, what we can say about the life of the widow is minimal and highly conjectural. At the upper levels three options appear to have been open: remarriage, a more independent life as a widow, or retirement to a convent. Remarriage was helped in Venice by the requirement that the woman's dowry be returned to her after the death of her husband. Thus, a noblewoman had the essential monetary backing for marriage. Also, if she was from an important family, she had the social prestige to be attractive. Her primary liability was age in a society that was quite age-sensitive. Of course, to many women this may have been a moot point, as they may have preferred the freedom from marital constraints that widowhood offered, especially if they had the wealth to live a fairly independent existence. At the lower social levels, where such wealth was less likely to be available, remarriage was more a necessity, although at this level some women had skills that allowed them to continue on their own. For example, there were a few women in the medical professions who seem to have taken over their husband's practice after his death. In other crafts this was probably an option as well. Such women occasionally appear in the records of sex crime as the victims of rape because their very independence left them more open to sexual victimization. Presumably, though, most widows did not do so well, especially the older and poorer, falling to the margins of society.

For males the situation was considerably different. Those who survived their wives, if well established, could consider remarriage and another dowry with some expectation of success. The customary age differential at marriage worked to their favor. The Florentine *ricordi* of Gregorio Dati come readily to mind; Dati moved through a series of wives and dowries one after the other with hardly a backward glance. A return to the culture of illicit sexuality was also a possibility. Of course, there no dowries were offered, but then there were fewer responsibilities and less need to adjust

life to a young girl and her family. In the end, though, we can say little that is certain about the sexuality of widows and widowers; neither necessarily fell outside the cultures of licit or illicit sexuality. Beyond personal desires, age and economic status were probably the crucial criteria that formed their activities.

The boundaries of Eros in Renaissance Venice seem to have been rather broadly drawn, delineating an area of discourse between a culture of licit sexuality that focused on marriage and the family and a multifaceted culture of illicit sexuality. That discourse, viewed from the perspective of sex crimes, reveals a rich complexity. Fornication that could threaten the formation of family units was at the same time an informal stage on the way to marriage. Adultery that could and did tear families apart also provided an escape that may have kept some together. And tellingly, when it did destroy marriages, it often did so merely to set up a new, marriagelike pairing. Even God was drawn into the discourse and survived its indignities. Sodomy, however, seemed less capable of establishing a discourse with the dominant culture, especially in its primary form, homosexuality. It was clearly perceived as a threat to society as a whole and its central institution, the heterosexual family. Thus it was the crime, moral strictures aside, that seemed most dangerous, virtually revolutionary to Venetian eyes. There rhetoric became stern reality; discipline became repression. In the end, however, God and family, government and tradition, discipline and discourse, all so successful in drawing boundaries for human society, were largely incapable of really doing so for the sexuality of Renaissance Venice. They all set their boundaries, but Eros, as the Greeks long ago had learned, refused to be limited—perhaps the ultimate proof of divinity—and oversaw an uneasy cohabitation of a licit and an illicit culture of sexuality.

Notes

CHAPTER I

1. David Herlihy and Christiane Klapisch-Zuber, *Les Toscans et leurs familles* (Paris, 1978).
2. For a more detailed analysis of this and the discussion to follow, see Guido Ruggiero, *Violence in Early Renaissance Venice* (New Brunswick, N.J., 1980), 1–53. Although there has been no general scholarly treatment of sexuality in Renaissance Venice, many serious works have been published that contribute to the subject. The extensive scholarship of Bartolomeo Cecchetti and Pompeo Molmenti come immediately to mind, especially Cecchetti's "La donna nel medioevo a Venezia" in *Archivio Veneto*, n.s. 31 (1886): 33–69, 305–45, and Molmenti's classic, *La storia di Venezia nella vita privata*, 5th ed., 3 vols. (Bergamo, 1910). Not to be overlooked for its rich if at times inaccurately transcribed collection of documents is the volume published privately by the Count of Orford, *Leggi e memorie veneta sulla prostituzione*, ed. G. Batta De Lorenzi (Venice, 1870–72). More recently much interesting work has been done by Gaetano Cozzi and his students, which concentrates on the sixteenth century and beyond. For an introduction to this extensive scholarship, see Gaetano Cozzi, ed., *Stato, società e giustizia nella Repubblica Veneta (sec. XV–XVIII)* (Rome, 1980). Two studies recently published on the period, which are both suggestive and to be treated with care, are Stanley Chojnacki, "Crime, Punishment, and the Trecento Venetian State" in *Violence and Civil Disorder in Italian Cities 1200–1500*, ed. Lauro Martines (Berkeley, Calif., 1972), 184–228, and Elisabeth Pavan, "Police des mœurs, société et politique à Venise à la fin du Moyen Âge," *Revue Historique* 264 (1980): 244–66. See also my essay "Sexual Criminality in the Early Renaissance: Venice 1338–1358," *Journal of Social History* 8 (1974–75): 18–37.
3. Discipline is a concept that has gained much in richness thanks to the controversial but stimulating work of Michel Foucault. Not all of that richness may be applied to the experience of Renaissance Venice, but as will become

apparent, more of his analysis applies than one might at first suspect. Perhaps his most accessible account of discipline can be found in Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1977). The extensive literature that Foucault's work has engendered both pro and con cannot be reviewed here, but I would like to thank Robert Nye for his thoughtful comments on the concept of discipline and Foucault's thought in general.

4. Yet prostitution from the perspective of the dominant sexual culture was not without its apparent benefits. It seemed to ease the impact of the custom of postponing marriage for males until they or their families felt it was economically feasible. In a merchant city like Venice, it provided a sexual environment for many transients that did not seem to threaten directly the wives and daughters of residents. These and other apparent benefits for the dominant sexual culture, however, may have been largely undermined by the factors noted above, especially the role of prostitution in conditioning males to see their sexuality as not limited to marriage and as essentially exploitative.
5. For the dowry in Renaissance Venice and its inflation in the fourteenth and fifteenth century, see Stanley Chojnacki, "Dowries and Kinsmen in Early Renaissance Venice," *Journal of Interdisciplinary History* 4 (1975): 571–600. Julius Kirshner and Anthony Molho, "The Dowry Fund and the Marriage Market in Early Quattrocento Florence," *Journal of Modern History* 50 (1978): 403–38 and their "Il Monte delle doti a Firenze dalla sua fondazione nel 1425 alla metà del sedicesimo secolo abbozzo di una ricerca," *Ricerche Storiche* 4 (1980): 21–47, provide much information on the institution in Florence. See also the interesting and comparative article on Ragusa by Susan Mosher Stuard, "Dowry Increase and Increments in Wealth in Medieval Ragusa," *Journal of Economic History* 41 (1981): 795–811. For a broader context consult John R. Goody and S. J. Tambiah, *Bridewealth and Dowry* (Cambridge, Mass., 1973) and Diane Owen Hughes, "From Brideprice to Dowry in Mediterranean Europe," *Journal of Family History* 3 (1978): 262–96.
6. Dennis Romano, "S. Giacomo Dall'Orio: Parish Life in Fourteenth-Century Venice" (Ph.D. diss., Michigan State University, 1981), 124–79.
7. Herlihy and Klapisch-Zuber, *Les Toscans*, 204–09. For a somewhat different situation in Genoa see Diane Owen Hughes, "Urban Growth and Family Structure in Medieval Genoa," *Past and Present* 66 (1975): 3–28. The Venetian situation seems closer to the Florentine. A law from 1299 on sumptuary matters suggests a similar age differential at the beginning of our period. For wedding festivities males younger than twenty and females under thirteen, unless already married, were not considered adult. Mary Margaret Newett, "The Sumptuary Laws of Venice in the Fourteenth and Fifteenth Centuries" in *Historical Essays by Members of the Owens College Manchester*, ed. T. F. Tout and James Tait (London, 1902), 261.
8. Another way of stating the same data would be to point out that after nine years more than 50 percent of all marriages in this sample still existed. After eighteen years a quarter still existed and after twenty-seven years well over one in ten still survived. These data are taken from the records of the scribe Marino of San Gervasio found in A.S.V., Cancelleria Inferiore, *Notai*, B. 114 (not foliated). They take up approximately one hundred folios of this material in two large pieces.

CHAPTER 2

1. On this point see Guido Ruggiero, "Excusable Murder: Insanity, Reason and Community in Renaissance Venice," *Journal of Social History* 16 (1982): especially 110–13. For a more detailed analysis of the same point, see Ruggiero, *Violence*, 40–53 and throughout.
2. A.S.V., Adv., *Raspe*, Reg. 3645, f.127v (1400).
3. Ibid., Reg. 3642, f.87v (1345).
4. For a discussion of these issues in southern France see Yves Castan, *Honnêteté et relations sociales en Languedoc, 1715–1718* (Paris, 1974). A suggestive analysis of related themes can be found in Orest Ranum, "Courtesy, Absolutism, and the Rise of the French State, 1630–1660," *Journal of Modern History* 52 (1980).
5. The sample is relatively small but reinforced by a similar shift in rhetoric for adultery and rape. For fornication thirteen cases were prosecuted in the period of restricted rhetoric 1325–1359; as language became more complex, prosecutions increased with twenty-two heard in the period 1360–1394. For examples of family reportage of crime in the earlier period, see A.S.V., Adv., *Raspe*, Reg. 3641, f.15r (1325), where the case was brought by the victim's mother; f.116r (1332) brought by a brother; f.116v (1332) brought by a father; Reg. 3642, f.88v (1345) brought by a mother; f.110v (1347) brought by a father.
6. Ibid., Reg. 3641, f.23r (1326).
7. Ibid., Reg. 3643, f.113v (1369).
8. This will be discussed more fully later in the chapter.
9. A.S.V., Adv., *Raspe*, Reg. 3643, f.113v (1369).
10. Ibid.
11. Ibid., Reg. 3644, f.89r (1386).
12. Occasionally in this trinity justice replaced the state or law, but it is clear that the concept reflected a vision that saw the state and its law producing an ordered society through the giving of justice. Those who honored the state, law, or justice contributed to a well-ordered urban life; those who dishonored them in effect committed a crime that required disciplining to reinstitute the honor of all three and guarantee public order.
13. A.S.V., Adv., *Raspe*, Reg. 3645, f.124r (1400).
14. Ibid., Reg. 3644, f.89r (1386).
15. Ibid., Reg. 3645, f.127v (1400).
16. Ibid., f.102v (1399).
17. Ibid., Reg. 3652, f.75v–76r (1467) or Reg. 3657, f.71v (1491).
18. Ruggiero, *Violence*, 40–53 and throughout.
19. The suggestions made here relate to a greater or lesser degree to the broader visions provided by Hans Baron, *The Crisis of the Early Italian Renaissance* (Princeton, N.J., 1956); Jerold E. Seigel, "Civic Humanism or Ciceronian Rhetoric? The Culture of Petrarch and Bruni," *Past and Present* 34 (1966); Lauro Martines, *Lawyers and Statecraft in Renaissance Florence* (Princeton, N.J., 1968); Millard Meiss, *Painting in Florence and Siena After the Black Death* (Princeton, N.J., 1951); Marvin B. Becker, *Florence in Transition*, 2 vols. (Baltimore, 1967–1968); Benjamin Z. Kedar, *Merchants in Crisis: Genoese and Venetian Men of Affairs and the Fourteenth-Century Depression* (New Haven, Conn., 1976).

20. A.S.V., Adv., *Raspe*, Reg. 3646, f.5v-6r (1406).
21. Jean-Louis Flandrin, *Families in Former Times, Kinship, Household and Sexuality in Early Modern France*, trans. Richard Southern (Cambridge, England, 1979), 131. For an interesting discussion of the complexities to which this seemingly simple doctrine of marriage gave rise, see Beatrice Gottlieb, "The Meaning of Clandestine Marriage" in *Family and Sexuality in French History*, ed. Robert Wheaton and Tamara K. Hareven (Philadelphia, 1980), 49-83.
22. *Two Memoirs of Renaissance Florence, The Diaries of Buonaccorso Pitti and Gregorio Dati*, trans. Julia Martines and ed. Gene Brucker (New York, 1967), 113-14.
23. Ibid.
24. Herlihy and Klapisch-Zuber, *Les Toscans*, 589-91. See also Klapisch-Zuber, "Zacharie, ou le père evincé: Les rites nuptiaux toscans entre Giotto et le concile de Trente," *Annales, E.S.C.* 34 (1979): 1216-43.
25. Molmenti, *Vita privata*, 448-52. See also Romano, "S. Giacomo Dall'Orio," 127-28; Enrico Besta, "Il diritto e le leggi di Venezia fino al dogado di Enrico Dandolo," *Anteneo Veneto* 22, pt. 1 (1899): 304-10.
26. Archivio Patriarcale di Venezia, *Filzae Causarum*, n. 1 (1446). I would like to thank Alessandra Sambo, who kindly showed me this case.
27. Ibid.
28. Ibid.
29. Perhaps the most complete vision of this life is provided in Emmanuel Le Roy Ladurie, *Montaillou, Cathars and Catholics in a French Village 1294-1324*, trans. Barbara Bray (New York, 1980), 139-78. But see also Flandrin, *Families in Former Times*, 180-82. Flandrin favors the view that there was a high degree of chastity among the peasantry, but most of his arguments for this pertain to a later period.
30. A.S.V., Adv., *Raspe*, Reg. 3652, f.75v-76r (1467). For a later and more theoretical view of Venetian laws on fornication, see Lorenzo Priori, *Practica criminale secondo le leggi della Serenissima Repubblica di Venezia* (Venice, 1738), 161-62.
31. A.S.V., Senato, *Terra*, Reg. 5, f.179r (1466). See also Reg. 6, f.170r (1472); f.175r (1472); and f.177r (1472), which attempted to secure extra funds because of the death of 600 foundlings in that year alone. For more on this subject, see Brian Pullan, *Rich and Poor in Renaissance Venice* (Oxford, 1971), 207 and following; and for Florence, see Richard Trexler, "The Foundlings of Florence 1395-1455," *History of Childhood Quarterly* 1 (1973): 259-84.
32. A.S.V., Adv., *Raspe*, Reg. 3649, f.101r (1445). Perina's crime in the eyes of the Avogadori was in having attempted to conceal the birth of an illegitimate stillborn child by throwing it in a canal.
33. Obviously, this is not to claim that all children left as foundlings were illegitimate. Some must have been orphans, and many were the children of legitimate couples who lacked the means to raise children. Yet it must not be overlooked that the foundling hospital was an important part of what we might call the economy of illicit sexuality.
34. As Flandrin points out, "before the Council of Trent, if a seducer had promised to marry a girl, she was considered married ipso facto." Jean-Louis Flandrin, "Repression and Change in the Sexual Life of Young People in

- Medieval and Early Modern Times" in *Family and Sexuality*, 38. But strictly speaking, even though consent was all that was required for marriage in the eyes of the Church, there remained a dividing line between marriage and concubinage, an inner perceptual one hinging on how the couple viewed their relationship.
35. A.S.V., Adv., *Raspe*, Reg. 3651, f.165r (1463). For another example of a father's being required to take the children of such relationships, see Reg. 3657, f.71v (1491).
 36. Ibid.
 37. Ibid., Reg. 3658, f.72v-73r (1495).
 38. Ibid., Reg. 3647, f.203r-v (1424).
 39. Ibid. Such behavior seems to have run in the family. A year earlier Giacomello's brother was involved in a case investigated by the Avogadori. In exile in Mestre because he had been banned from Venice in an earlier murder case, he had promised to marry a certain Elena, but after one night with her rejected the match, claiming she was a common whore. Nonetheless, he kept her prisoner, which brought the matter first to the attention of the Podestà of Mestre and finally to the Avogadori. Eventually the matter was sorted out with a marriage for the couple and a dowry credited to Elena of 300 ducats, which allowed Giacomello's brother to escape a year jail sentence. Adv., *Raspe*, Reg. 3647, f.185r-v (1423).
 40. Ibid., Reg. 3650, f.143r-v (1455).
 41. A.S.V., Adv., *Misc. Pen.*, Busta 345 (4495) pt. 3, not numbered (1418).
 42. Ibid.
 43. A.S.V., Adv., *Raspe*, Reg. 3650, f.157r-v (1455). For a similar development in a later period, see Nicole Castan, *Les criminels de Languedoc, Les exigences d'ordre et les voies du ressentiment dans une société pré-révolutionnaire* (Toulouse, 1980), 173-74.
 44. A.S.V., Adv., *Raspe*, Reg. 3650, f.185r-186v (1456).
 45. Ibid., Reg. 3655, f.132r-133v (1482).
 46. Ibid. Perhaps the vagueness regarding Contarini's wild and bestial acts and the emphasis on his insanity were related to the fact that certain heterosexual acts were labeled sodomy. As sodomy was normally punished by death, this may have been a way to avoid punishing him for his deeds. Sodomy is discussed in Chapter 6. On insanity as a factor in excusing crime, see Ruggero, "Excusable Murder," 110-13.
 47. Ibid.
 48. Gratosia also collected Domenico's hair, which she burned before an image of the Virgin Mary. On a more prosaic level, after intercourse she dried herself with silk cloth with which she made candle shades dedicated to their love. A.S.V., *Raspe*, Reg. 3655, f.132r-133v (1482). For similar practices a little earlier, see Le Roy Ladurie, *Montaillou*, 32.
 49. A.S.V., *Raspe*, Reg. 3655, f.132r-133v (1482). It is interesting to note that Gratosia's magic was highly integrated with her society. It took its inspiration from virtually every potential spiritual source society had to offer; even the Church played a major role. For the Church's response to such practices in Italy in the period, see Celto Corrian and Pierluigi Zampini, *Documenti etnografici e folkloristici nei sinodi diocesani italiani* (Bologna, 1970), especially 7-13.

50. Ibid. The vote on her penalty was a suggestively hesitant one. The first day's vote ended in a hung jury—ten voting for conviction, one against, and sixteen abstaining. On the second day those who were uncomfortable punishing Gratosia stayed home and she was convicted—thirteen voting in favor, one against, and three abstaining.
51. A similar case of love down the social scale that was viewed as a mad passion caused by love potions involved an adolescent apothecary shop owner of some means and a common prostitute. Her magic also drew extensively on the holy, with holy oil being a central part of her magical weaponry. In this case also the vote was close. See A.S.V., Adv., *Raspe*, Reg. 3656, f.132r-v (1487).
52. Ibid., Reg. 3651, f.123r (1461).
53. Ibid., f.92r-v (1460).
54. Ibid.
55. Significantly, even some Venetian moralists were sympathetic to the importance of love for marriage. Francesco Barbaro, for example, in his *De re uxoria*, written in the early fifteenth century, called on parents to "never give their daughters in marriage unless it is clear that each loves the other greatly." For this quote and a brief review of such literature, see Gaetano Cozzi, "La donna, l'amore e Tiziano" in *Tiziano e Venezia, Convegno Internazionale di Studi* (Venice, 1976), 51-52.
The more traditional approach to marriage at the upper-class level is nicely shown in Bianca Betto, "Linee di politica matrimoniale nella nobiltà veneziana fino al XV secolo. Alcune note genealogiche e l'esempio della famiglia Mocenigo," *Archivio Storico Italiano* 139 (1981): 3-64. For a discussion of this issue in a broader context, see Flandrin, *Families in Former Times*, 130-40.
56. A.S.V., Adv., *Raspe*, Reg. 3651, f.79r-80r (1459). Le Roy Ladurie reports similar practices in the fourteenth century in upper Ariège. See Le Roy Ladurie, *Montaillou*, 176.
57. Ibid. See also Senato, *Terra*, Reg. 4, f.132r-v (1459). Pirano's penalty was a stern one, which significantly assured he would not be around to interfere with Giovanni's marriage plans further. He was sentenced to two years in jail, followed by banishment for life, and was fined 1,000 *lire di piccoli* for the commune and 1,000 ducats for Elisabetta. If he broke his ban and returned to Venice, he was to lose his head between the columns of justice. Giovanni Baldesario and a carpenter named Giovanni were also convicted of giving false testimony before the Council of Ten in support of Pirano's claims. Adv., *Raspe*, Reg. 3651, f.80r-v (1459).
58. A.S.V., Adv., *Raspe*, Reg. 3648, f.197r-v (1440).
59. Ibid. In part, such restraint is probably due to the passionate nature of Basilio's assault. It was less a crime of calculated self-interest than one of explosive violence against the family that had thwarted his marital hopes.
60. *Puellae*, as we shall see, were deemed by Venetian authorities to be sexually innocent. See especially Chapters 5 and 7.
61. A.S.V., Adv., *Raspe*, Reg. 3648, f.197r-v (1440).
62. For this case, see A.S.V., Adv., *Raspe*, Reg. 3646, f.54v (1408). The proclamation was made on December 19, 1408, but only after the young noble Marina Bono had been examined by "women expert in such matters" and declared "pure as the day she was born."
63. A.S.V., Adv., *Raspe*, Reg. 3651, f.110v (1360).

64. Ibid., Reg. 3643, f.92v (1366). For a suggestive analysis of the literary reflections of such marriage policy for women of high status in the Renaissance, see Joan Kelly-Gadol, "Did Women Have a Renaissance?" in *Becoming Visible: Women in European History*, ed. Renate Bridenthal and Claudia Koonz (New York, 1977), 139–64.
65. For an example of this, see the will of Novella Contarini, wife of Bartolomeo, in A.S.V., Notarile Testamenti, *Atti Darvisio Basilio*, B. 364, n. 188 (1405). There she leaves to "Francesco, the natural child of the above husband of mine, 10 gold ducats and if anything should happen to him, this will go to his mother."
66. Ruggiero, *Violence*, 118. This legislation was reinforced regularly. For a later example, which concentrated more on outsiders, see A.S.V., Adv., *Deliberazioni*, Reg. 7, f.89v (1474).
67. A.S.V., Adv., *Raspe*, Reg. 3645, f.147r–v (1401). Lucia's sale allowed her to be punished as well; she was ordered branded and beaten before she was turned over to Zen.
68. A.S.V., Signori di Notte al Criminal, *Capitolare*, Reg. 3, f.14v (1374). The Signori's records for this period do not include references to this type of prosecution and are lost between 1375 and 1381. The records that survive concentrate on sodomy, robbery, and murder.
69. Molmenti, *Vita privata*, vol. 2, 571.
70. See, for example, Marino Sanuto, *I diarii di Marino Sanuto*, ed. Rinaldo Fulin et al., Deputazione R. Veneta di Storia Patria (Venice, 1879–1903) vol. 1, cols. 917–19. Here Sanuto relates a long case of a seventy-year-old noble who was turned in by his servant-concubine for treason. Interestingly, the records of the Council of Ten largely confirm his account and his speculation that the accused man, Antonio Lando, died under torture by the Ten. A.S.V., Dieci, *Miste*, Reg. 27, f.195r–v (1498). For a similar vision of Renaissance Venice with a slightly later focus, see Gaetano Cozzi, "La Donna," 47–63 and especially 52.
71. For an extensive discussion of this, see Vincenzo Lazari, "Del traffico e delle condizioni degli schiavi in Venezia nei tempi di mezzo," *Miscellanea di Storia Italiana* 1 (1862): 463–501. An important look at similar problems from a Tuscan perspective is provided by Iris Origo, "The Domestic Enemy: Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries," *Speculum* 30 (1955): 321–66.
72. A.S.V., Adv., *Raspe*, Reg. 3643, f.192r–v (1374). For a discussion of prostitution in Venice in this period, see Elisabeth Pavan, "Police des mœurs," 244–66. See also Giuseppe Tassini, *Cenni storici e leggi circa il libertinaggio in Venezia* (Venice, 1968).
73. See, for example, A.S.V., Adv., *Raspe*, Reg. 3643, f.92r–v (1366); Reg. 3645, f.71r–v (1397), f.119r (1400), f.121r (1400).
74. Ibid., Reg. 3643, f.192r–v (1374).
75. Ibid., Reg. 3651, f.10v (1457).
76. Ibid.
77. For a summary of the scholarship on coitus interruptus during the Middle Ages, which suggests that it was more widely known and practiced than generally assumed, see P. A. Biller, "Birth control in the Medieval West," *Past and Present* 94 (1982): 3–26. The standard work on the subject remains,

however, John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, Mass., 1966). See also Basim Faud Musallam, "Sex and Society in Islam: The Sanction and Medieval Techniques of Birth Control" (Ph.D. diss., Harvard University, 1973); Jean-Louis Flandrin, "Contraception, mariage et relations amoureuses dans l'occident chrétien," *Annales: E.S.C.* 24 (1969): 1370-90; and Norman E. Himes, *Medical History of Contraception* (New York, 1936).

78. On the organization and functioning of these councils, see Ruggiero, *Violence*, 3-17. The records of these councils in the fifteenth century are unfortunately largely lost. A.S.V., Signori di Notte, Reg. 21, contains a few fragmentary notes on fornication, adultery, and rape cases. For fornication, see f.7r, 9r (1472), f.139v (1480), f.114r, 115v (1486). These cases seemed to have involved primarily men of low social station and fines of 50 *lire* or less.
79. They also stipulated that both parties agree to the marriage. A.S.V., Adv., *Raspe*, Reg. 3653, f.33r (1469).

CHAPTER 3

1. A.S.V., Adv., *Raspe*, Reg. 3642, f.21v (1341). His penalty for disgracing Andrea was 150 *lire di piccoli* plus a requirement to return the goods Andrea's wife took with her.
2. *Ibid.*, f.30v (1341 m.v.). Similar language was reported for Florence in the fourteenth century. Umberto Dorini notes that the victimization of husbands was typified as being to their "damage, prejudice and not small shame." Umberto Dorini, *Il diritto penale e la delinquenza in Firenze nel sec. 14* (Lucca, 1923), 70.
3. A.S.V., Adv., *Raspe*, Reg. 3641, f.122v (1332).
4. *Ibid.*, Reg. 3642, f.114r (1347).
5. *Ibid.*, Reg. 3644, f.54r (1383).
6. *Ibid.*
7. *Ibid.*, f.57v (1383). The state and God were frequently conjoined in this rhetoric, suggesting a deep connection in the vision of the nobility between God's honor and authority and that of their state.
8. *Ibid.*, f.54v (1383).
9. On responsibility and prosecution for crime, see Ruggiero, "Excusable Murder," 110-13.
10. A.S.V., Adv., *Raspe*, Reg. 3644, f.54v (1383). Although women were frequently seen as more sexually demanding and dangerous than men, the vision of women as passive had a long tradition in theology, law, and medicine. See Ian Maclean, *The Renaissance Notion of Women: A Study in the Fortunes of Scholasticism and Medical Science in European Intellectual Life* (Cambridge, England, 1980), 10, 30, 51, 90.
11. A.S.V., Adv., *Raspe*, Reg. 3645, f.141v (1401).
12. There was, however, a strong and enduring medieval tradition that saw women as sexually more active and aggressive, both in medical and moral literature. For an interesting discussion of the ambivalence this view engendered, see Natalie Zemon Davis, "Woman on Top" in *Society and Culture in Early Modern France* (Stanford, Calif., 1965), 124-51. See also Maclean, *Renaissance Notion of Women*.

13. See, for example, A.S.V., Adv., *Raspe*, Reg. 3645, f.182v (1403). With the more restrained rhetoric of the mid-fifteenth century, the breaking of marital ties came to be expressed less colorfully as “breaking faith”—see Reg. 3648, f.222v–223r (1441)—or not at all.
14. A.S.V., Adv., *Raspe*, Reg. 3645, f.164r–v (1402). In this case the male not only carried off his mistress from her husband and family, but also threw his own wife and children out of his house in order to move in his new woman. The “yoke” of marriage might seem broken twice in such a case, but it was apparently not perceived in that light for a man. Significantly, however, the woman in this case was described as “breaking the yoke of matrimony.”
15. This point will be examined in more detail in Chapter 4.
16. A.S.V., Adv., *Raspe*, Reg. 3644, f.153v (1390). A case from 1440 makes a clear connection between the injury to God involved in adultery and the violation of the sacrament of marriage: “. . . little considering how much injury and offense it gives to God to break the sacred bonds of marriage, moved by sexual appetites, she allowed herself to be known sexually over and over again by Clario.” This Clario was a worker for the woman’s husband, which probably made her crime even more troublesome to the Forty. She was sentenced to five months in jail and the loss of her dowry. Reg. 3648, f.195v (1440).
17. See, for example, A.S.V., Adv., *Raspe*, Reg. 3654, f.175v–176r (1478), where it is noted that the case was brought “according to the formal complaint produced by Tomaso da Monte, husband of Francescina, presented to the office of the Avogadori in which he accused Aluisio Fornario and Francescina of having been moved by a licentious desire against sacred matrimony . . .” to commit adultery. See also Reg. 3652, f.95r (1468).
18. Ibid., Reg. 3647, f.211v–212r (1424).
19. Ibid.
20. Ibid.
21. Ibid.
22. Ibid.
23. Ibid. Lorenzo Priori reports a generally harsher vision of this crime in the sixteenth and early seventeenth centuries and, it appears, assumes that this was typical of earlier practice in Venice as well; see Priori, *Practica criminale*, 156–61. Dorini reported that most penalties for adultery in Florence in the fourteenth century fell in the range of 200- to 500-*lire* fines, although a few were sentenced, usually in absentia, to corporal punishment or death by burning. Dorini, *Diritto penale*, 70.
24. Stanley Chojnacki, “Dowries and Kinsmen,” 571–600, especially 575. Women of higher status, however, often had additional resources; see Chojnacki, “Patrician Women in Early Renaissance Venice,” *Studies in the Renaissance* 21 (1974): 176–203.
25. A.S.V., Adv., *Raspe*, Reg. 3643, f.221r (1375).
26. This will be discussed more fully later in this chapter.
27. A.S.V., Adv., *Raspe*, Reg. 3643, f.221r (1375).
28. Ibid. Baxeio’s low status is indicated by the fact that between 1330 and 1400 members of the family were appointed as *Sapientes* by the Senate or Major Council only ten times. He himself was never appointed. In addition, in the only surviving tax records from the century, the *Estimo* of 1379, no Baxeio household was recorded as having taxable wealth of more than 300 *lire a*

- grossi*, a minimal figure. Ruperto did not have enough wealth to be listed. Gino Luzzato, *I prestiti della Repubblica di Venezia (sec. 13-15) introduzione storica e documenti* (Padua, 1929), 139-95.
29. Ruggiero, "Law and Punishment in Early Renaissance Venice," *Journal of Criminal Law and Criminology* 69 (1978): 245, 250-56.
 30. A.S.V., Adv., *Raspe*, reg. 3643, f.245r (1377).
 31. On the legal position of the Italian woman in general during the period, see Manlio Bellomo, *Problemi di diritto familiare nell'età dei comuni, Beni paterni e pars filii* (Milan, 1968), 134-205; and his *Profili della famiglia italiana nell'età dei comuni* (Catania, 1966), 143-92. For Venice, see Chojnacki, "Patrician Women," especially 185-90.
 32. For the growing economic independence of women of higher status, see Chojnacki, "Patrician Women," 176-203. On the plague's impact we may hypothesize that if, as David Herlihy has shown for Renaissance Pistoia, the plague hit hardest the very young as well as the old, by the 1360s females born in the presumed first boom of births after the plague should have been beginning to flood the marriage market. As tradition required males to be considerably older to marry, they should have been in short supply. This phenomenon, if it occurred, must have put considerable pressure on the dowry market and on marriage, which may have triggered a reevaluation of the role of women. Historians have noted a heightened dowry inflation and a growth of the number of convents in the period. Both may have been related. Significantly in this same period, legislation was passed to restrict the practice of males marrying and leaving several women to gain their dowries, again suggesting that there was an oversupply of women of marriageable age. For some significant qualifications of this point, see Herlihy and Klapisch-Zuber, *Les Toscans*, 326-46; for the broader context, see Kelly-Gadol, "Did Women Have a Renaissance?" 139-64.
 33. A.S.V., Adv., *Raspe*, Reg. 3642, f.296r (1358).
 34. *Ibid.*, f.320r-v (1360).
 35. Ruggiero, "Law and Punishment," 246.
 36. A.S.V., Adv., *Raspe*, Reg. 3643, f.56v (1364).
 37. This is not to deny the point made earlier that the loss of a dowry usually had more impact on a woman than a fine of similar value had on a man. Still, even formal equality went against the generally accepted view that men were less culpable for adultery in the Middle Ages and Renaissance. On this, see Maclean, *Renaissance Notion of Women*, 15, 62, and 78. Not all dowries went to the husband. For example, in 1432 when Caterina, wife of Rafaele, was convicted of adultery with Nicolò Scarpa, she was sentenced to six months in jail, but lost her dowry to her future children. If she failed to have children, then the dowry would go to her husband. A.S.V., Adv., *Raspe*, Reg. 3648, f.80r (1432). This type of penalty began to appear only in the late 1420s. Previously the husband was the recipient or the matter was not clear. But the idea that children had a right to a portion of the mother's dowry was not new in the fifteenth century. Both custom and law saw children as inheritors of their mother's dowry; see Chojnacki, "Dowries and Kinsmen," 582, and for a law on inheritance by children from intestate mothers, see *Volumen statutorum*, bk. 4, chap. 28, 74v. Thus, it might be argued that the granting of a woman's dowry to her husband was, in a way, visiting the sins of the mother on the

child. Nonetheless, dowries continued to go primarily to husbands. This was so much the case that the Forty in 1495 could refer to the confiscation of an adulteress's dowry for her husband as being "in accord with the usage and custom of this council always observed in these cases." A.S.V., Adv., *Raspe*, Reg. 3658, f.55v (1495).

38. A.S.V., Adv., *Raspe*, Reg. 3654, f.68r (1476).

39. Ibid.

40. Ibid.

41. Ibid. The first time the Forty voted on Pisani's guilt, the vote was nine in favor of conviction, three against, and twenty-two abstentions. To convict or acquit, a majority of all votes cast was necessary; thus, another vote was taken, but a majority still abstained. Finally, after a wait of several days, the Forty voted again and convicted him by a vote of twenty-one for, seven against, and five abstentions.

42. Ibid., f.89r (1476).

43. Ibid., Reg. 3652, f.95r (1468). A significant sidelight of this case is that it demonstrates that torture, which was rarely used in the fourteenth century, was now being used at times in adultery cases. The Avogadori noted that "Maria was not tortured because she was and remains pregnant."

44. Ibid., Reg. 3651, f.101r-v (1460).

45. Ibid.

46. Ibid., Reg. 3646, f.174r-v (1413).

47. Ibid., Reg. 3642, f.153r (1350).

48. See, for example, A.S.V., Adv., *Raspe*, Reg. 3643, f.205r-v (1374) or f.208v (1374).

49. See, for example, A.S.V., Adv., *Raspe*, Reg. 3648, f.72r-v (1432).

50. See, for another example, A.S.V., Adv., *Raspe*, Reg. 3647, f.208r (1424).

51. Ibid., f.240v (1426).

52. Ibid.

53. On the growing sedentary approach to merchant life, see Kedar, *Merchants in Crisis*, 21-57.

54. A.S.V., Adv., *Raspe*, Reg. 3648, f.72r-v (1432).

55. In many merchant cities there were customary practices that allowed a wife to remarry after her husband had not returned. Boccaccio makes reference to such expectations in regard to the Crusades in the *Decameron*, Tenth Day, Ninth Story. Frate Cherubino da Siena in his *Regola della vita matrimoniale*, ed. Francesco Zambrini and Carlo Negroni (Bologna, 1888), 38-40, made reference to the custom, but to reject it: "If moreover one of the married couple should leave the other in order to go on a pilgrimage or to trade or to do other things and stays away for many years (even if it be 100 or 1,000) . . . never is it licit for the other to contract marriage with any other person. . . . And this is the ruling of the Holy Church in a decretal against those ignorant ones who say that it is enough to wait seven years, seven months, seven weeks, seven days, seven hours and seven minutes and if within this time the other does not return, one may marry." (39-40)

56. If his father, Michele, was the Michele de Molin who appeared in the 1379 *Estimo* living in San Stae, Nicolò came from the second poorest de Molin household at that time. His father was assessed a paltry 500 *lire a grossi*. Iuzzato, *I prestiti*, 192.

57. It might even be argued in the light of some modern studies of the family that long absences could have helped husband-wife relations in a situation where many, especially the nobility, lived to ripe old ages, thus making married life very long indeed. As noted in Chapter 1, the average noble marriage lasted seventeen years.
58. A.S.V., Adv., *Raspe*, Reg. 3643, f.183r (1373).
59. Ibid., f.225r-v (1375).
60. Ibid., Reg. 3647, f.154r-v (1422).
61. Ibid.
62. Ruggiero, *Violence*, 112-13, 119, 156-70. See also Romano, "S. Giacomo Dall'Orio," 64-66.
63. A.S.V., Adv., *Raspe*, Reg. 3643, f.145v-146r (1370).
64. Ibid., f.152r (1371).
65. Ibid., Reg. 3648, f.74r-v (1432).
66. Ruggiero, *Violence*, 125-55.
67. A.S.V., Adv., *Raspe*, Reg. 3646, f.243r-v (1416).
68. The only Marco Zane listed in the *Estimo* of 1379 is one living in San Cassian and assessed 1,500 *lire a grossi*. In 1383 Marco Zane, husband of Catarucia, was reported living in San Basilio. There are no other Marco Zanes listed in the officeholding records of the Segretario alle Voci or in the Sapientes appointed by the Major Council or Senate, all of which suggests that this Marco and the one referred to in the *Estimo* are either one and the same and rather unimportant economically and politically or two different but unimportant nobles. Luzzato, *I prestiti*, 193.
69. A.S.V., Adv., *Raspe*, Reg. 3644, f.60v (1383).
70. Ibid. For a further elaboration of female independence, especially in economic matters, see Chojnacki, "Patrician Women," 176-203. Women could leave their husbands in more traditional ways as well. Occasionally when marriages did not work out, they returned to their paternal families. For an interesting case involving a Mocenigo daughter in the early fourteenth century, see Bianca Betto, "Linee di politica matrimoniale," 58. For a document of formal separation, see A.S.V., Procuratori di San Marco di Citra, Busta 179:9, Michalletto Morosini (1343).
71. A.S.V., Adv., *Raspe*, Reg. 3648, f.222v-223r (1441).
72. Ibid. Clearly, the Forty was intent on seeing that such behavior did not continue. Finally they ruled that he could not molest Bembo in any way or he would be subject to a penalty of six months in jail and a 500-*lire* fine.
73. Ibid., Reg. 3645, f.71v-72r (1397).
74. Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800* (New York, 1977), 325-404, especially 362 and 392. Ian Maclean posits a similar shift in the theory of marriage during the Renaissance: Maclean, *Renaissance Notion of Women*, 19-20 and 59. But see Le Roy Ladurie, *Montaillou*, 186-89, for a balanced counterview.
75. The fifteenth-century Venetian humanist Francesco Barbaro stressed the importance of a type of companionate love in marriage. His call for "mutual love . . . freely and diligently acquired, nurtured and preserved . . ." cannot be entirely written off as classical idealism. Francesco Barbaro, "On Wifely Duties," trans. Benjamin C. Kohl in *The Earthly Republic, Italian Humanists on Society and Government*, ed. Benjamin C. Kohl and Ronald G. Witt (Philadelphia, 1978), 198. See also Margaret L. King, "Caldiera and the

Barbaros on Marriage and the Family: Humanist Reflections on Venetian Realities," *Journal of Medieval and Renaissance Studies* 6 (1976): 19–50.

The psychology of such a relationship is worth some speculation. For the female adolescent the transition from respect and perhaps desire for a father in the home to the subservient role of a young wife with a much older, controlling husband may have been easier than has been assumed. Both roles were very similar and females who married young had experienced little else. In turn the male, after a long, fairly free adolescence, may have found the combination of authority and responsibility that societal values had prepared him to accept. In such cases where partners lived up to their roles and accepted social ideals, a period of affection may well have been possible. That affection would be based on quite a different model than the current vision of marriage, but be affective nonetheless. Of course, this is not to romanticize or overstate the case but merely to suggest that it was psychologically possible to find a type of affection in such relationships.

76. A.S.V., Adv., *Raspe*, Reg. 3643, f.93r (1366).

77. Ibid.

78. Ibid. Antonio, after a ritualistic procession through the city with his guilt proclaimed, was banned perpetually. If he broke the ban, he was to serve six months in jail, then be banned again.

79. Ibid., Reg. 3648, f.38r (1429).

80. Ibid., Reg. 3650, f.184r–v (1456).

81. Ibid., Reg. 3649, f.59r (1444).

82. Ibid., f.159v–160r (1447).

83. Ibid.

84. For a discussion of this aspect of the Signori di Notte's approach to murder, see Ruggiero, *Violence*, 171–75.

85. A.S.V., Signori di Notte, *Processi*, Reg. 11, f.25v–26r (1395). For a more detailed examination of the case, see Ruggiero, *Violence*, 171–75.

86. A.S.V., Adv., *Raspe*, Reg. 3648, f.238r–v (1441). On this distinction, see Ruggiero, "Excusable Murder," 115, and *Violence*, 171–82. For a later period, however, Lorenzo Priori asserted that murder by husbands in the context of adultery, if committed in the passion of the moment, was held to be non-criminal in Venice; Priori, *Practica criminale*, 158.

87. Ibid.

CHAPTER 4

1. An earlier, abbreviated form of this chapter was published as "Sessualità e sacrilegio" in *Studi Storici*, 22 (1981): 751–65.

2. A.S.V., Adv., *Raspe*, Reg. 3649, f.7r (1442).

3. Ibid., f.19v (1442).

4. Ibid., f.101r–v (1445).

5. Ibid., f.11v (1442).

6. Ibid.

7. Ibid., f.101r–v (1445).

8. Ibid., f.19v (1442).

9. A.S.V., Maggior Consiglio, *Spiritus*, f.164r (1349).

10. A.S.V., Adv., *Raspe*, Reg. 3642, f.134v (1349).

11. Ibid., f.135r-v (1349).
12. Ibid., f.140r (1349).
13. Beatrice's family was a branch of the clan of the recently executed doge, Marin Faliero. Daughter of Francesco from San Samuele, she had a sister who was a nun at the convent of the Vergini and an aunt, Ziborge, who was also a nun. Vittorio Lazzarini, *Marino Faliero* (Florence, 1963), 347. Balduin was clearly labeled a noble in this case, although a recent article lists the family as not being noble before 1379. See Stanley Chojnacki, "In Search of the Venetian Patriciate: Families and Factions in the Fourteenth Century" in *Renaissance Venice*, ed. John Hale (London, 1973), 73.
14. A.S.V., Adv., *Raspe*, Reg. 3642, f.305v (1359).
15. Ibid., Reg. 3645, f.42r (1395). Similar language has been reported for homosexual prosecutions in Florence. According to Dorini a few cases there in the fourteenth century were described as "injuring omnipotent God and his Mother the Blessed Virgin Mary and all of Heaven." Dorini, *Diritto penale*, 71. In Venice the language of homosexual prosecutions stressed God's wrath and vindictiveness rather than his victimization (see Chapter 6).
16. I would like to thank John Martin for pointing this out and for making a number of other important suggestions on this chapter.
17. On this, see the suggestive article by David Herlihy, "Some Psychological and Social Roots of Violence in the Tuscan Cities" in *Violence and Civil Disorder in Italian Cities 1200-1500*, ed. Lauro Martines (Berkeley, Calif., 1972), 129-54, especially 148-49. Herlihy and Christiane Klapisch-Zuber argue the point more fully in *Les Toscans*, 603-06.
18. The relationship between law and judicial practice has been discussed briefly in each of the first three chapters; for a more detailed analysis, see Ruggiero, "Law and Punishment," 243-56.
19. The first law passed in 1349 did not specify a penalty. It required that such crimes be investigated by the Avogadori and tried by the Forty: A.S.V., Maggior Consiglio, *Spiritus*, f.164r (1349). In 1382 specific penalties were established: *Leona*, f.190v-191r (1382). In addition to the penalty for simple fornication, a year in jail was required for improper relations short of sexual intercourse (*inhonestum contra moniales*) and a three-year jail term for rape, plus fines in each case. The fine's size, however, was left to the discretion of the judge. In the fifteenth century even that was determined by law: *Stella*, f.69r (1486).
20. For a brief discussion of the broader context of this, see Richard C. Trexler, "Le célibat à la fin du Moyen Age: les religieuses de Florence," *Annales, E.S.C.* 27 (1972): 1329-50; Herlihy, "Some Psychological and Social Roots of Violence," 146-47; and Maclean, *Renaissance Notion of Women*, 57.
21. Enrica Viviani Della Robbia, *Nei monasteri fiorentini* (Florence, 1946), 38.
22. Molmenti, *Vita privata*, vol. 2, 561. I have quoted Horatio Brown's translation from Pompeo Molmenti, *Venice: Its Individual Growth from the Earliest Beginnings to the Fall of the Republic*, trans. Horatio F. Brown (London, 1907), vol. 2, pt. 2, 227.
23. Molmenti, *Vita privata*, vol. 2, 561. Molmenti, *Venice*, trans. Brown, vol. 2, pt. 2, 223. A law of 1420 limiting dowries speaks directly and eloquently to the issue, arguing that because of the escalating cost of dower, "it is not possible for many of our nobles to marry their daughters . . . thus some of their

- daughters are imprisoned in monasteries with just tears and complaints." Newett, "Sumptuary Laws," 272.
24. A.S.V., Adv., *Raspe*, Reg. 3646, f.31r (1407).
 25. Ibid.
 26. Both sisters are reported to have had frequent sexual intercourse in the convent. See, for example, A.S.V., Adv., *Raspe*, Reg. 3646, f.30v (1407), where Andrea Amizo is reported to have "carnally known many times in this convent Sister Clara Sanuto." Or again on the same folio, where Benedetto Malipiero is cited for having "known carnally in this convent various days and times Sister Filipa Sanuto."
 27. A.S.V., Adv., *Raspe*, Reg. 3646, f.30v–31v (1407). Another nun, Magdalucia de Cha Veglia, and two novices—Zanetta Ferro, aged about ten, and a certain Maria—were also involved. Aside from Bono and Valier, two boatmen were prosecuted for fornication along with Benedetto Malipiero, "bastard of Vittorio," Raffaello Moro, and Andrea Amizo.
 28. Ibid., f.35v (1407). His rebuke is reported in a blend of Latin and dialect: "Mo ben cusina tu posuiti Andream Fratrem meum et Andream Amizo consanguinem meum ut interficerentur per elto in borenzo." Concerning the lack of information on penalties for nuns, the Patriarchal Archives of Venice once had a series of documents labeled *Criminalium Monialium*, which recorded the Church's action in such cases. Reportedly destroyed accidentally by workmen, there exists today only a late index.
 29. A.S.V., Adv., *Raspe*, Reg. 3647, f.234v (1425).
 30. Ibid., Reg. 3648, f.59r and 64v (1431).
 31. On this social sensitivity of punishment, see Ruggiero, *Violence*, 75–76.
 32. A.S.V., Adv., *Raspe*, Reg. 3648, f.57v–59r (1431). Giovanni's sexual relations with Clara were also characterized as "frequent." A fellow official from the Fontico was sentenced for fornication with a servant of Clara's, while two other servants were enjoying more humble company. In sum, sexuality at Clara's convent was not limited to nuns; under her leadership illicit sex was endemic there.
 33. Ibid.
 34. Ibid., f.18r–24v (1428).
 35. Ibid.
 36. Ibid., Reg. 3650, f.23r–v (1451).
 37. Ibid.
 38. Ibid., Reg. 3648, f.184v–185r (1439).
 39. A similar procedure was used with increasing regularity to press Church authorities for sterner penalties against clerics in homosexuality cases, especially those involving young boys. For more on this see Chapter 6.
 40. A.S.V., Adv., *Raspe*, Reg. 3649, f.152r (1447).
 41. Ibid., Reg. 3650, f.148v–149r (1455).
 42. The two nobles and Zanino were accused of merely stealing kisses. Given Liseta's record, however, it seems unlikely that they were stolen and more than likely that the Avogadori were protecting them from the two-year jail sentence required for fornication with nuns. The three were each sentenced to one year in jail and a 100-*lire* fine. A.S.V., Adv., *Raspe*, Reg. 3649, f.189r–v (1448).
 43. Ibid., f.188v (1448).

44. Santa Croce had had only one recorded sex crime in our period. In 1395 Antonio Venier was convicted of having regularly had sexual relations with Sister Ursia Tressa in her cell. A.S.V., Adv., *Raspe*, Reg. 3645, f.42r (1395). The pope's Bull is reported in Flaminio Corner, *Ecclesiae Venetae Antiquis Monumentis* . . . (Venice, 1794), vol. 1, 71-74.
45. Corner, *Ecclesiae Venetae*, vol. 1, 5-7.
46. Ibid.
47. A.S.V., Adv., *Raspe*, Reg. 3654, f.153v-155v (1477).
48. Corner, *Ecclesiae Venetae*, vol. 1, 6-7.
49. Girolamo Priuli, *I Diarii in Rerum Italicarum Scriptores*, vol. 24 (Città di Castello and Bologna, 1912-1933), pt. 3, vol. 4, 33-34. Priuli insists just before this text that "to tell the truth [there are] more than fifteen convents of a similar sort which can be called public bordellos and warehouses with the greatest offense to God and the greatest shame for the Venetian Republic. . . . The noble daughters of some of the first nobles . . . have become public prostitutes." For a rather colorful account of similar behavior in more rural Friuli, see Giuseppe Marcotti, *Donne e monache, curiosità* (Florence, 1884), 164-200. Giovanni Scarabello points out that this openness of the convent continued through the sixteenth century in Venice: Scarabello, "Devianza sessuale ed interventi di giustizia a Venezia nella prima metà del XVI secolo" in *Tiziano e Venezia: Convegno Internazionale di Studi* (Venice, 1976), 78-79. See also Cozzi, "La Donna," 52.
50. For two examples, see A.S.V., Adv., *Raspe*, Reg. 3651, f.149v (1462) and Reg. 3643, f.167r-v (1372). For a brief review of the Church's prohibitions of such behavior, see Corrian and Zampini, *Documenti etnografici*, 22.
51. A.S.V., Adv., *Raspe*, Reg. 3648, f.125r (1436).
52. Ibid.
53. Ibid., f.154v (1437).
54. Ibid.
55. Ibid.
56. An interesting example that did not involve banishment for the cleric concerned Bishop Lodovico Morosini, a noble. While visiting Venice, he secured the help of Francescina, wife of Giovanni, to procure for him the thirteen-year-old daughter of Pietro Baradori. As both Francescina and the girl's father were prosecuted for aiding in the girl's victimization, both were tried and sentenced by the Forty. What happened to the bishop remains unclear. A.S.V., Adv., *Raspe*, Reg. 3643, f.234v (1376). The Patriarchal Archives offer little information on such crimes: the series *Criminalium Presbyterorum* has only four registers and an index remaining for the period 1589-1799; *Criminalium Regulariorum* has five boxes of material and a general index for the period 1461-1749. More material once existed, and a sample of this can be found in a richly suggestive eighteenth-century transcription of some cases attributed to Giannantonio Pivoto, preserved at the Marciana, Mss. Lat. Cl. IX-74 (3289), vol. 3. I would like to thank Juergen Schulz for pointing out this manuscript to me.
57. Brian Pullan, *Rich and Poor*, 448-49; Reinhold C. Mueller, "Charitable Institutions, the Jewish Community, and Venetian Society: A Discussion of the Recent Volume by Brian Pullan," *Studi Veneziani* 14 (1972): 63-67.
58. A.S.V., Adv., *Raspe*, Reg. 3647, f.250v (1425 m.v.).
59. Ibid., f.252v (1426).

60. Ibid., Reg. 3655, f.81v-82r (1481).
61. A.S.V., Senato, *Terra*, Reg. 1, f.93r (1443). This ruling may have been stimulated by a Bull of Pope Eugenius IV, which attempts to limit contact between Christians and non-Christians. On this, see Pullan, *Rich and Poor*, 449.
62. A.S.V., Senato, *Terra*, Reg. 1, F.95v (1443).
63. Ibid.
64. For example, Silvestra, daughter of the deceased Bartolomeo, in 1459 was sentenced to twenty-five lashes for fornication with a Jew. A.S.V., Adv., *Raspe*, Reg. 3651, f.65v-66r (1459). Even prostitutes could find themselves in trouble if they accepted Jews. The Avogadori give a good indication of the attention paid to such matters in their report of the attempt by Josep, son of Cressoni, to have relations with a prostitute. "One day in contempt of Catholic faith he entered a whore's room near the Rialto and began to have intercourse with her putting his member in her. But the other prostitutes outside, knowing that he was a Jew when he entered, called out saying this whore has a Jew in her room. The said whore then pulled away rapidly, not allowing the Jew to expel or project his semen." Ibid., Reg. 3650, f.6r (1451).
65. Ibid., Reg. 3649, f.23r (1442).
66. Ibid., Reg. 3649, f.65v-66r (1443). It should be noted that later in the sixteenth century, according to Lorenzo Priori, sexual relations with non-Christians came to be seen as a form of sodomy. "La terza spezie, la qual'è orrendissima . . . è quella quando l'uomo usa con un animal brutto, con un corpo morto, con un ebreo, o infedele." Priori, *Practica criminale*, 165-66.

CHAPTER 5

1. A.S.V., Adv., *Capitolare*, Reg. 3, Cap. 104 (1323).
2. On this and rape in general in the fourteenth century, see Ruggiero, *Violence*, especially 156-70, and Ruggiero, "Sexual Criminality," 18-37.
3. Used occasionally were phrases such as "fornicationis per vim," "forcia," and "violasse per vim." Toward the end of our period "stupro" also begins to appear, but its context suggests that it was not used exclusively for violent sexual attacks. Unfortunately, it appears too late and is not used extensively enough to hypothesize about its use or development.
4. A.S.V., Adv., *Raspe*, Reg. 3641, f.223r (1340).
5. Ibid. Zane's penalty, rhetoric aside, was typically minimal. He was given the option of serving six months in jail or paying a 100-*lire* fine. His henchmen, Lusio Benedetto and Marco Sten, were given even milder penalties. Benedetto was fined 16 *lire* and Sten was absolved.
6. Ibid., Reg. 3642, f.5v (1341).
7. Ibid., f.73r (1344). Again, for this crime down the social scale, the penalty was minimal. Dolfín was sentenced to a fine of 4 *lire di grossi*.
8. Ibid., Reg. 3642, f.297r (1358).
9. Ibid., Reg. 3644, f.140v (1389).
10. See Ruggiero, "Excusable Murder," 110-13, and *Violence*, 171-80.
11. A.S.V., Adv., *Raspe*, Reg. 3644, f.146r (1390).
12. Ibid. In addition, to secure the capture of the culprit, the Forty offered a 2,000-*lire di piccoli* reward for his capture alive or a 1,000-*lire* reward if he was killed.
13. Ibid., Reg. 3647, f.144r-v (1422).

14. Ibid., Reg. 3651, f.123r (1461).
15. Ibid.
16. Penalties rated strict, severe, or major corporal were imposed in sixty-eight cases. Of these, twenty-five involved *puellae*.
17. See Ruggiero, "Sexual Criminality," 25–27.
18. See discussion of this in Chapters 2 and 3.
19. See Ruggiero, "Law and Punishment," 243–56, especially 249.
20. The reasons for such a transition force one to build speculation upon speculation, but I would suggest at least as a premise for further investigation that three factors were central. The Venetian nobility was helped in this direction by an increasing awareness that such practices were the norm in other cities—an awareness accentuated by their conquest of a *terra ferma* empire in the early fifteenth century; by the legal weight of Roman law, which gained against the more pragmatic and humanitarian traditions of Venetian case law and procedures; and by the growing gulf between nobility and the rest of society, which made it easier to torture and mutilate the individuals on the wrong side of the gulf. It should be noted, however, that some nobles in the fifteenth century were tortured even for rape when their crime was perceived as vicious or significant enough.
21. Suggestive of just how unimportant the victimization of women could be in the eyes of the Venetian nobility is a comparison of the fourteenth-century average penalties for rape and assault heard by the Forty. A point scale that compares penalties reveals that the average penalty for all successfully prosecuted rapes in the fourteenth century was twenty-three points while the average penalty for all assaults was twenty-five points. Rape was no more serious in the eyes of the Forty than assault. Ruggiero, *Violence*, 153 (for assault), 157 (for rape), and 49 (for an explanation of the point scale). For a brief account of the treatment of rape in Florence, see Dorini, *Diritto penale*, 67–69, where he reports for the periods 1352–1355 and 1380–1383 twenty-four attempted or completed rapes prosecuted with twelve convictions and penalties ranging from 500 to 2,000 *lire*.
22. Ruggiero, *Violence*, 156–170.
23. Ibid. and Ruggiero, "Sexual Criminality," 18–37. For the social sensitivity of penalties for rape in Florence, see Dorini, *Diritto penale*, 69, where he notes legislation that required the potestà to take into account the "qualitatem et conditionem" of the victim. For a somewhat similar vision of rape, see Jacques Rossiaud, "Prostitution, Youth, and Society in the Towns of South-eastern France in the Fifteenth Century" in *Deviants and the Abandoned in French Society, Selections From the Annales Economies, Sociétés, Civilisations*, vol. 4, ed. Robert Forster and Orest Ranum (Baltimore, 1978), 11–19, especially 16.
24. A.S.V., Adv., *Raspe*, Reg. 3642, f.91r (6 April 1346).
25. Ibid., f.94v (7 July 1346).
26. Ibid.
27. Ibid.
28. Ibid., f.96r (30 August 1346). See Rossiaud, "Prostitution, Youth and Society," 1–46, where this behavior is seen largely as carried out by adolescents. In Venice there is not enough age identification to make similar claims.
29. A.S.V., Adv., *Raspe*, Reg. 3642, f.104v (29 January 1346 m.v.).

30. Ibid. On the leniency to rapists of young women of marriageable age, see Ruggiero, *Violence*, 167–68. Marriage as an option following rape seems to have been general in Italy. For an example, see Giuseppe Marcotti, *Donne e monache*, 60–61. Curiously, although there seem to be many parallels with the situation Jacques Rossiaud reports for the towns of Southeastern France in the fifteenth century, he makes no reference to rape's being followed by marriage. Rossiaud, "Prostitution, Youth, and Society," 1–46.
31. A.S.V., Adv., *Raspe*, Reg. 3642, f.105r (21 February 1346 m.v.).
32. See Chapter 2.
33. A.S.V., Adv., *Raspe*, Reg. 3642, f.105v (28 February 1346 m.v.).
34. According to legend, Venier had had his own son jailed for sexual insult in 1388. When his son became ill, he refused to allow him to leave and he supposedly died in jail. For the case itself, see A.S.V., Adv., *Raspe*, Reg. 3644, f.115v (1388).
35. Ibid., Reg. 3645, f.23v–24r (17 June 1394). As we have seen, children were often put out as servants, or *filia animae*, to households that were better off.
36. Ibid. This was a crime that elicited some of the Avogadori's strongest rhetoric: "Idem Fatius sue salutis immemor in contemptum dei et anime sue ac in maximum obprobrium dedecus infamiam verecundiam perpetuam tam dicti Jacobi quam dicti Marie eius filie eandem Mariam violavit coruperit et virginitate sua eandem turpiter expoliavit . . . puellam etatis annorum circa XII vel circa."
37. Ibid. The Forty invested the 50 ducats in government loans overseen by the notary Maffeo Minio.
38. Ibid., f.24v (15 July 1394). Interestingly, in this case Zanino did not present himself to serve his month until he had the money to pay the fine twelve days after his conviction. For lesser criminals, presumably such an option was not available. They went to jail until their fine was paid and only then began serving their term. The number of *gratia* cases involving such problems suggests that for criminals of lower status this could add considerably to their stay in jail. On this, see Ruggiero, "Law and Punishment," 248–49.
39. A.S.V., Adv., *Raspe*, Reg. 3645, f.28v–29r (30 September 1394).
40. Ibid. For a general discussion of changing ages at menarche, see C. J. Diers, "Historical Trends in the Age at Menarche and Menopause," *Psychological Reports* 34 (1974): 931–37.
41. A.S.V., Adv., *Raspe*, Reg. 3645, f.29r (2 October 1394).
42. Ibid. For a similar case involving hiding under the bed in fourteenth-century Montaignou, see Le Roy Ladurie, *Montaignou*, 164.
43. Ibid.
44. A.S.V., Adv., *Raspe*, Reg. 3645, f.34r (15 January 1394 m.v.).
45. Ibid.
46. Ibid., f.36v (31 March 1395 m.v.).
47. Ibid.
48. Ibid., Reg. 3652, f.78r (24 September 1467).
49. Ibid., f.78v (5 October 1467).
50. Perhaps the best example of this phenomenon in our period can be found in crimes of speech. Petty insults and shouting matches were normally handled in the streets with summary justice imposed by patrols. Similar insults and conflict between more important persons or in more significant situations (for

example, when government officials were involved) were investigated by the Avogadori and tried before the Forty. And finally, really major insults against the commune or the most powerful were tried and punished by the Council of Ten. In this hierarchy of crime the Ten could take cases from the Forty and the Forty could do the same to lesser patrolling bodies. It seems clear that in the fifteenth century a similar gradation developed for rape, fornication, and adultery. For a more detailed account of these developments, see Ruggiero, *Violence*, 125–37. Interestingly, the development of speech crime eventually intersects with sex crime in the sixteenth century in a way that reveals a continuing evolution of councils to deal with changing perceptions of crime. For this, see Renzo Derosas, “Moralità e giustizia a Venezia nel '500–'600, gli Esecutori Contro la Bestemmia” in *Stato, società e giustizia nella Repubblica Veneta (sec. 15–18)*, ed. Gaetano Cozzi (Rome, 1980), 431–528.

51. A.S.V., Adv., *Raspe*, Reg. 3652, f.71r–v (3 July 1467). Major crimes that occurred abroad, especially those involving nobles or officials, were frequently brought back to Venice for trial.
52. Ibid. It should be noted, however, that this case was briefed as a rape case, not a malfeasance one. When the latter were tried, the Avogadori were normally careful to list what aspects of the official's formal responsibilities had been violated. At times rape was treated as just another misuse of an official's power. In this case, however, Pelegrino was accused only of rape.
53. Ibid., f.87r (26 April 1468). If he returned to Venice, moreover, he was to finish his life in jail.
54. Perhaps this is comparable with the rising reportage of incest in the modern family triggered by a breakdown in the privacy of family life and an increased scrutiny of sexual life as a whole. That may be pressing the matter too far; we are on more certain ground when we assert that the rising prosecution of this aspect of rape was more a result of rising reportage than of rising levels of such activity.
55. Ibid., f.89v (22 June 1468). In addition they fined him another 300 ducats, suggesting that he was considered a fairly substantial craftsman.
56. Ibid., f.96v (4 November 1468).

CHAPTER 6

1. A.S.V., Dieci, *Miste*, Reg. 15, f.170r (1458). I would like to thank Patricia Labalme for her help and cooperation on this chapter. Discovering we were both working on this topic, we exchanged notes, ideas, and comments that certainly have greatly improved what follows. Elisabeth Pavan has also published briefly on the topic; see her “Police des Moeurs,” 266–88, which, however, should be used with caution, especially her statistics and her general conclusions. For a later period, see Giovanni Scarabello, “Devianza sessuale,” 75–84.
2. Recently the attacks on that tradition were outlined in the important work by John Boswell, *Christianity, Social Tolerance and Homosexuality* (Chicago, 1980), 92–98.
3. A.S.V., Signori di Notte, *Processi*, Reg. 6, f.4v–5v (1348).
4. Ibid.
5. Ibid. Still, the emphasis on love as distinct from the visual metaphor of not keeping God before one's eyes is a suggestive one. But it is not repeated in

other cases and thus seems more an anomaly than a fine distinction. More typical was the case of Blasio di Firenze, who after violently attacking sexually a fellow tavern employee was accused of “not keeping God before his eyes.” A.S.V., Signori di Notte, *Processi*, Reg. 12, f.48v (1398).

6. For an example of these themes, see the case of the boatman Giovanni Marmagna, who victimized his own worker, to be discussed later in this chapter. His crime was characterized as “ignoring the fear of God and not fearing God’s judgment with will and forethought committing a sin against nature . . . instigated by a diabolic spirit.” A.S.V., Signori di Notte, *Processi*, Reg. 7, f.21v–22r (1357).
7. On this, see Ruggiero, *Violence*, 171–82.
8. The whole concept of a “sin against nature,” with its Stoic as well as Christian connotations, is a curious one that cannot detain us here. It appears that the Venetian courts were merely using a familiar label to mark a behavior they thought was particularly deviant without considering the metaphysical or historical complexities of the term. On the development of this concept, see Boswell, *Homosexuality*, 303–32.
9. For example, in 1407 when dealing with a large sodomy case to be discussed later in the chapter, they supported the offering of large rewards, warning “because it is well known how much the sin of sodomy was and is detested by Our God since it was the reason that he destroyed and ruined by his last judgment cities and peoples in which they [sodomites] lived.” A.S.V., Dieci, *Miste*, Reg. 8, f.141r (1407). For a fine later usage of similar rhetoric, see Reg. 15, f.170r (1458) and Reg. 16, f.165r (1464).
10. *Ibid.*, Reg. 10, f.29v (1420). According to the rhetoric, “upon these [ships] it [sodomy] is committed to the greatest degree with no small infamy for us and manifest danger for every ship so that it is surprising that divine justice has not sunk them.”
11. *Ibid.*, Reg. 13, f.13v (1445).
12. *Ibid.*
13. For a suggestive analysis of these concerns in Venice and Genoa, see Kedar, *Merchants in Crisis*, 81–117 and throughout.
14. Sanuto, *Diarii*, vol. 1, cols. 836–37.
15. This is based on a report of Jacopo Malatesta, Mantuan ambassador to Venice, to his lord on Sanuto, in which he notes: “Sanuto is most gentle. When he has spoken with one a few times he comes upon one as if to impale one. Yet he is learned and would be a person of note in this state if it were not for this vice. He used to have a servant to whom he gave three *mozenighi* [a coin] a week, but he was required to run the lance three times. He is most famous in the profession here.” A. Luzio, *Pietro Aretino nei primi suoi anni a Venezia e la Corte dei Gonzaga* (Turin, 1888), 11. I would like to thank Patricia Labalme for this reference.
16. A.S.V., Dieci, *Miste*, Reg. 17, f.155r (1470).
17. *Ibid.*, Reg. 18, f.137v (1474).
18. *Ibid.*, Reg. 19, f.60r–62v (1477).
19. *Ibid.*, Reg. 20, f.209r (1482).
20. This transition will be discussed in detail later in this chapter.
21. Lesbianism, however, was not prosecuted. It is difficult to argue from silence, but presumably the fact that it was a form of sexuality that did not threaten the family with the birth of illegitimate children or with dissolution—as

there was virtually no opportunity for women to withdraw from traditional marriage to form female pairs—made it a noncrime. Perhaps the lack of respect for women's bodies played a role as well. On the question of terminology, John Boswell's book *Christianity, Social Tolerance and Homosexuality* attempted to generate some debate among historians about the use of the term *homosexual*. He suggested the term *gay* as less pejorative and more accurate. Unfortunately, it also seems to have an evaluative context and tends to be as vague as *homosexual*; thus, my language will follow common usage and use *homosexual* to refer in general to male sexuality with males with the proviso that no value judgments are implied and that the term is not used in the documents where sodomite is used. That later term, of course, has an even stronger value judgment implicit in it, but as it was the language and the judgment of the period we are studying, it will be used as well. To overcome the vagueness of this terminology, however, the discussion that follows will attempt to look more closely at the various forms of sexuality so labeled.

22. A.S.V., Signori di Notte, *Processi*, Reg. 8, f.55r-v (1365).
23. Ibid. Records from the Senate reveal that in 1365, when the case was heard, at least three of these medical practitioners were on the public payroll. Tomaso di Friuli had a salary of 10 *lire di grossi*; Zanze di Armenia, 4 *lire di grossi*; and Bartolomeo San Felicis, 3 *lire di grossi*. See Guido Ruggiero, "The Status of Physicians in Renaissance Venice," *Journal of the History of Medicine and Allied Sciences*, 36 (1981): 172-75.
24. Ibid.
25. Ibid.
26. Ibid. This case was first reported by Stanley Chojnacki, "Crime, Punishment," 211. Chojnacki, however, reported incorrectly that Simon was sentenced to lose both hands and ignored the medical examination to concentrate on the more picturesque examination by prostitutes. Flandrin sees a growing concern with masturbation in the fourteenth and fifteenth centuries, noting that "at the end of the century Gerson wrote a book entirely devoted to this sin, observing that adolescents often masturbated." But he holds that active attempts to restrict it were largely a later phenomenon. Flandrin, "Repression and Change," 41.
27. A.S.V., Dieci, *Miste*, Reg. 18, f.133r (1474). Coppo's crime was described again in essentially the same terms a few days later. Both accounts were careful to note that there was no contact between the two. Reg. 18, f.136v (1474).
28. A.S.V., Signori di Notte, *Processi*, Reg. 7, f.21v (1357).
29. Ibid. ". . . he did not feel this."
30. Ibid., f.22v (1357).
31. Ibid., f.22r, 23r (1357). It appears, however, that this type of intercourse was more often initiated from behind, perhaps in imitation of anal intercourse. See, for an example, the case of the sailor Roberto di Marchesio and his young shipmate, Tomaso, where this preferred procedure was accompanied by violence: "This Roberto by force pulled down the britches of this Tomaso and against his will grabbing him from behind put his member between the thighs of this Tomaso and emitted sperm with this act bathing him between the thighs." Reg. 8, f.55r-v (1365).

32. Ibid., Reg. 8, f.81v–82r (1368).
33. Ibid.
34. Ibid.
35. Ibid., f.81v (1368). “The said Benedicto having his member erect mounted him wishing to commit the sin of sodomy. He put his erect member between his thighs, [then] wishing to put it in his anus he failed because his member became soft and therefore he withdrew.”
36. Ibid., f.82v (1368).
37. A.S.V., Dieci, *Miste*, Reg. 16, f.110r (1462). The folios in this register are misbound.
38. Ibid., Reg. 17, f.144r (1470).
39. Ibid., Reg. 14, f.169r (1453), Reg. 16, f.64r (1461). Physicians and surgeons were required in the fourteenth century to report cases of serious physical assault to the authorities; thus, the use of medical practitioners to help in criminal prosecution was not in itself a new concept. See Guido Ruggiero, “The Cooperation of Physicians and the State in the Control of Violence in Renaissance Venice,” *Journal of the History of Medicine and Allied Sciences* 33 (1978): 156–66. In Chapter 2 we saw that midwives were occasionally used in a similar fashion to determine virginity.
40. Ibid., Reg. 17, f.81v (1467). In my translation I have attempted to retain the flavor of the Ten’s circumlocutions. How successful such a policy would have been remains problematic except in cases involving violence. The assumption that a doctor could determine such matters has, nonetheless, a long tradition. See the discussion of this in Arthur N. Gilbert, “Buggery and the British Navy,” *Journal of Social History* 10 (1976): 77, and especially note 42, 93–94.
41. There are also a few cases defined as rape of women where anal intercourse was involved. But these crimes were so violent and unusual that they seem to represent extreme aberrations. See, for example, the long and complex case reported, A.S.V., Dieci, *Miste*, Reg. 19, f.119r, 121r, 157r (1478); 167v, 179v, 181r, 189v, 190v (1479). A case that appears to have been less violent involved Domenico, priest of the Church of Santa Sophia, who attempted to take advantage of a *puella*. The Ten summarized his crime as “sodomy begun but not completed from behind in an evil part of the body . . .” and ruled the case be turned over to the patriarch. Reg. 16, f.236r (1466).
42. Quoted in Herlihy and Klapisch-Zuber, *Les Toscans*, 440. Noonan noted that in the early Middle Ages especially, anal intercourse seems to have been used as a form of birth control. Noonan, *Contraception*, 201.
43. See, for example, A.S.V., Dieci, *Miste*, Reg. 16, f.158r (1464), where Antonio Bono was accused by his wife, Zanina, “of the vice of sodomy.” The Ten acquitted him by a vote of nine for, four against, and three abstentions. This apparently continued as a problem in the sixteenth century, and Priori reports it as grounds for dissolving a marriage in Venice. Lorenzo Priori, *Practica criminale*, 166.
44. As an ex officio member, the Avogadore did not have a vote on the Ten. Occasionally, as a result, he found himself in the position of proposing a penalty that supposedly reflected the law’s requirements but received no votes. On this, see Guido Ruggiero, “The Ten: Control of Violence and Social Disorder in Trecento Venice” (Ph.D. diss., UCLA, 1972), 122–29.

45. A.S.V., Dieci, *Miste*, Reg. 20, f.117v (1481).
46. Ibid., f.117v (1481).
47. For a case involving a noble, see A.S.V., Dieci, *Miste*, Reg. 16, f.209r–211v (1465). This case, however, was not with his own wife but with a woman of lower status. I stress the social range of these activities because it has been asserted that anal sexuality was a sophisticated technique beyond the ken of common people. A priori we might expect just the opposite; those less aware of and formed by Christian mores may well have been much more experimental in their approach to sexuality, especially when trying to control childbirth.
48. Ibid., Reg. 19, f.220r–v (1480), provides a good example in the context of a general masculinization of hairstyles and dress.
49. Ibid., Reg. 22, f.136v (1484).
50. Ibid.
51. Ibid., f.70v, 74v (1484).
52. Ibid., Reg. 19, f.222v–224v (1480), and for Bella's release, Reg. 20, f.41v (1480).
53. See the discussion of rhetoric in Chapter 3.
54. In murder cases this distinction between adult responsibility and juvenile lack of culpability was regularly accepted, albeit at times with reluctance. See Ruggiero, "Excusable Murder," 113–14.
55. See discussions on intent in Chapters 2 and 3 and Ruggiero, *Violence*, 171–82. In Florence, although the law made a distinction between the active and passive partner, their penalties were to be the same. Only age was seen as a distinguishing factor, with boys up to fourteen least culpable, adolescents fourteen to eighteen slightly more culpable, and males over eighteen fully responsible. Dorini, *Diritto penale*, 71–74.
56. A.S.V., Dieci, *Miste*, Reg. 18, f.131v (1474) for Paduano, f.132r for Marino.
57. Ibid., f.132r–v (1374).
58. Ibid.
59. See Ruggiero, *Violence*, 108.
60. A.S.V., Dieci, *Miste*, Reg. 18, f.132r–137r (1474).
61. An earlier case where the term *patiens* was used as if it was a familiar one was the first case taken up by the Ten in 1407. A.S.V., Dieci, *Miste*, Reg. 8, f.145r (1407). This case will be discussed in detail later in this chapter.
62. A.S.V., Adv., *Raspe*, Reg. 3642, f.136r (1349).
63. A.S.V., Dieci, *Miste*, Reg. 10, f.84r–v (1422).
64. Ibid.
65. Another case closer to 1422 involved a certain Anechino, *puer etatis*, who in 1418 was convicted by the Ten of a homosexual relationship with a certain Gregorio. Gregorio was burned, but Anechino was given twenty-five lashes. A.S.V., Dieci, *Miste*, Reg. 9, f.188v (1418).
66. Ibid., Reg. 10, f.73v (1424). Other interpretations could be posited for Giacomo's action, but they do not undermine the main point that youth was a legal escape from prosecution in sodomy cases. The timing of this case and the Ten's response to it, however, suggest strongly that Giacomo had acted to take advantage of the situation, and the Ten in turn moved to plug a perceived loophole in the law.
67. Ibid., f.74r–v (1424).
68. Ibid. For similar age distinctions in Florence, see note 55 above.

69. But for an exception that proves the rule, see the case of Marco, son of a master mason. Although he was younger than ten, because he had so frequently been involved in sodomy, he was given fifteen lashes as a warning to others. A.S.V., Dieci, *Miste*, Reg. 12, f.114r (1442).
70. Ibid., Reg. 16, f.164v–167v (1464). Thirteen males were prosecuted in this case.
71. Ibid., Reg. 11, f.99r (1434).
72. Ibid. The brutality of Carlo's torture is best left in Latin: "Et tunc idem Karolus cum maximis lacrimis elevans pannos ostendit sibi quod propter torturas sibi datas crepuit a parte inferiori et similiter devastatem et sibi brachum sinistrum sicquod de ipsa non potest se iuvare quod videns ipse supplicans subito fecit eum videri per medicos qui cognit causu dicunt quod oportet quod ipse iaceat per mensis et ultra et fere omnes dicunt quod oportet quod incidatur si vult liberari quod si fieri debeat dubitatur valde de morte ipsius." *Parte inferiori* is the term frequently used to refer to genitals in Venetian criminal documents.
73. A.S.V., Signori di Notte, *Processi*, Reg. 7, f.79v (1360).
74. See, for example, A.S.V., Dieci, *Miste*, Reg. 11, f.150v–151r (1436), a case that involved murder as well; or Reg. 17, f.153r–158r (1470). Although burning was the norm in Florence as well, first-time offenders after 1415 were to be condemned to a 1,000-*lire* fine and a public whipping, suggesting perhaps a lessening of public rigor there. Dorini, *Diritto penale*, 73–76.
75. Ibid., Reg. 16, f.150v–151r (1463).
76. Ibid., Reg. 19, f.119r (1478), 191r (1479).
77. Boswell, *Homosexuality*, 303–34. Sara Blanshei, who has studied the criminal records of Bologna and Perugia, points out that in Bologna sodomy was punished by immolation or perpetual banishment by 1259, but in Perugia mild penalties were replaced with burning only in 1309. Sara Blanshei, "Criminal Justice and Criminality in Medieval Perugia and Bologna," paper presented at the Social Science History Association Annual Meeting, Nashville, Tenn., October 1981. For communal legislation on sodomy, see Michael Goodich, "Sodomy in Medieval Secular Law," *Journal of Homosexuality* 1 (1976): 295–302; but see also Boswell, 291.
78. The demographic recovery from the plague may have had some impact on these figures but cannot account for a tenfold increase in prosecution. As noted earlier, the first wave of the plague seemed to have little or no impact on prosecution levels in rape. See Ruggiero, "Sexual Criminality," 24–26.
79. Ruggiero, "The Ten," 239–65. This power led to a continual accrual of authority and an eventual showdown for the Ten in the sixteenth century. On this, see Gaetano Cozzi, "Authority and the Law in Renaissance Venice" in *Renaissance Venice*, ed. John R. Hale (London, 1973), 293–345.
80. The nobles included Secondo Zanchani; Bianco Marcello, son of Vittorio; Donato Marcello, son of the deceased Bernardo; Andrea Marcello, son of the deceased Piero; Sander Loredan; Marino Alberto, son of the deceased knight Giovanni; Zanino Zane, brother of Paolo; Geronimo da Molin, son of the deceased Giacomo; Antonio Mauro, nephew of Antonio; Giovanni Bolani, son of the deceased Piero and nephew of Vitalo; Andrea de Rippa; Dario Michael, son of Castellano; Stefano Capello, son of Giovanni; Clario Contarini, son of Bartolomeo; and the nephew of Rugero Contarini. The non-nobles were Marco Polo, a draper, son of the deceased Ottonelo Polo; Nicolò

de Vanni from Santa Maria Formosa; Francescino Trivixan, son of Antonio, a governmental official; Paolo Recamator from San Lio; Filippo Bechi from Florence; Piero Nicoli from Florence; Victor Boldu, son of Giovanni, a government official; Lorenzo, son of Giovanni de Francesco from Sant' Angelo; Bernardo, son of Marco dela Bella from Armenia; Piero de Bartolomeo, a clothworker from San Lio; Pasqualino Vercellin, a clothworker from Sant' Angelo; Piero, a barber from San Giovanni Grisostomo; Cristoforo, a worker in the draper's shop of Francescino Falier; Nicoletto dale Bocholo from Santi Apostoli; Antonio de Andrea, a carpenter; Giacomo Barberio; Stefano Rosso; and Bertuccio dela Seda. A.S.V., Dieci, *Miste*, Reg. 8, f.134v-135v (1406).

81. Ibid., f.135v (1406).
82. Ibid., f.134v (1406).
83. Ibid., f.134r-v (1406).
84. Ruggiero, *Violence*, 33-39.
85. A.S.V., Dieci, *Miste*, Reg. 8, f.135v (1406).
86. Ibid.
87. Ibid., f.138r-139r (1407).
88. Ibid.
89. Ibid. In fact, the Ten admitted at this point that "this [the acceptance of Contarini's claim] was a major reason why this council took up this matter."
90. Ibid., f.139v (1407). This *parte* ordered that the bishop of Castello be shown the pope's letter requiring these precautions.
91. Ibid., f.141v-142r (1407).
92. Ibid. It should be noted that at this point there surfaced the first major open disagreement on the Ten. Although the letter was sent, a counterproposal was put forward by Francesco Corner, suggesting that the Ten agree to accept the right of the bishop of Castello to decide the matter. Corner's proposal received five votes, eleven voted to send the letter to the pope, and two abstained.
93. Ibid., f.143r (1407).
94. Ibid., f.143v (1407).
95. Ibid., f.144r (1407). On the last of August, Masio was convicted of false testimony, ". . . quod fecit contaminatus pecuniam, . . ." and was sentenced to the loss of his right hand and to perpetual banishment. Ibid., f.145v (1407).
96. Ibid., f.145r (1407).
97. Ibid.
98. Ibid., f.148r (1407).
99. Ibid., Reg. 9, f.11v (1408). The letter sent is copied on f.12v-13r.
100. Ibid., f.19r (1408).
101. Ibid., f.21r-v (1408).
102. Ibid., f.22v (1408).
103. Ibid., Reg. 8, f.141r (1407). The rhetoric of this *parte* was discussed earlier in note 9.
104. Ibid., Reg. 9, f.22r-v (1408). They also ruled that there would be no *gratia* for those who confessed. Death remained the required penalty.
105. For this responsibility, see Ruggiero, *Violence*, 171-80.

106. A.S.V., Dieci, *Miste*, Reg. 9, f.23v-24r (1408).
107. Ibid., f.46r-v (1409).
108. Ibid., f.47r (1409). Interestingly, he was released in Mestre rather than in Venice, perhaps to give him a better chance to escape Morosini vengeance.
109. Ibid., f.179r (1418).
110. Ibid., f.183v-184r (1418).
111. Ibid., Reg. 10, f.29v (1420).
112. Ibid. Also, in what appears to have been a bid to ease this usurpation of the ship commander's powers, the Ten assured that the captain's rights over sailors were in no way impaired by this ruling. Presumably this meant that the captain could punish his sailors as well.
113. Ibid., Reg. 15, f.50v-51v (1455).
114. For an example, see Arthur Gilbert's discussion of the association of death and anal intercourse in the prosecution of homosexuals in the British navy. Gilbert, "Buggery," 88-90.
115. A.S.V., Signori di Notte, *Processi*, Reg. 6, f.64r (1354).
116. Ibid. "He deceived them in the following manner—namely when they were on his body he hid as much as possible his member . . . and took the member [of the other] and put it in his rear parts and stayed with this until they emitted sperm giving them every delight as do true prostitutes."
117. Ibid., Reg. 12, f.59r-v (1399).
118. Ibid., f.68v (1401).
119. Ibid., f.70v (1401) a merchant; f.59r-v (1399) a barber; f.48v (1398) an employee in a tavern.
120. Boswell, *Homosexuality*, 295 and following.
121. A.S.V., Dieci, *Miste*, Reg. 12, f.169r (1444).
122. Ibid.
123. Ibid.
124. Ibid., Reg. 19, f.83v-84r (1477).
125. Ibid. It may be that references to *scuole sodomiti* found in Sanuto's *Diary* refer to such schools. See Sanuto, *Diarii*, vol. 1, col. 836, and vol. 25, col. 339. Again, I would like to thank Patricia Labalme for these references.
126. Ibid.
127. Ibid., Reg. 10, f.44r (1422). Tadeo a Seta, the youth who was suspected because "he regularly carried on conversations at the Apothecary shop where the barber Albano worked," was declared not guilty on f.56r (1423).
128. Ibid. The other Tuscan was Chelo de Podio. Paolo Giovanni was a brother of a notary. Giovanni Rosso and Bartolomeo Rosso were sons of Marco Rosso, who had once been captain of the Rialto. Bartolomeo, even though he was eighteen, was let off because of his youth.
129. Ibid., Reg. 14, f.6v (1450).
130. Ibid., Reg. 23, f.204v (1488).
131. Ibid., Reg. 15, f.81r (1455).
132. Ibid., Reg. 14, f.197v (1454).
133. Ibid., Reg. 15, f.137r (1457). A good example of these suspicions in practice was the arrest of Giovanni di Bergamo and Cristoforo di Cremona, the former fourteen and the latter eighteen, who were arrested for sodomy when discovered playing cards together in a private place. Eventually, however,

- they were released for lack of other evidence. Reg. 19, f.73r (1477). Such restrictions were strengthened periodically. See, for example, Reg. 21, f.97v–98r (1483); Reg. 23, f.172r–v (1487), f.180r–v (1487).
134. Some have posited a more direct association between the two. Jeffrey Russell has argued that anal intercourse, whether with humans or demons, was a regular part of devil worship. Jeffrey Burton Russell, *Witchcraft in the Middle Ages* (Ithaca, N.Y., 1960), 391. Such claims, however, must be treated with caution as they may reflect more the presuppositions of prosecutors and recordkeepers than the reality of witchcraft. Still, we are dealing primarily with perceptions and it may be enough to argue that the perceptions were analogous. See also Boswell, *Homosexuality*, 283–86.
 135. It is suggestive that in Venice the identification and systematic attempts to eliminate a perceived homosexual subculture preceded the witch scares. Witches and witchcraft do begin to appear in the Venetian records of the fifteenth century, but with relatively mild penalties and a not particularly severe prosecution. Only later would matters become more serious, yet never apparently as serious as in other parts of Europe. It would be interesting to see in other cities if sodomy fit the pattern of a prewitchcraft crime.
 136. A.S.V., Dieci, *Miste*, Reg. 10, f.30r (1420). It has been suggested that references to nudity in such processions do not refer to total nudity, but rather men naked to the waist or covered by loincloths. Significantly, in this case where any type of clothing would have made the matter less serious, the Ten referred to them simply as nude, “quatuor fratres ordinis minorum euntes nudi cum cruce in manibus.”
 137. In fact, the confraternities of Venice had developed out of the religious excitement that had been engendered by the late Medieval flagellant movements. Pullan, *Rich and Poor*, 34–37.
 138. A.S.V., Dieci, *Miste*, Reg. 12, f.12r–17r (1438). Andrea Corner, son of the deceased Giorgio, and two non-nobles, Andrea Soro and Aloysio a Pelegrino, were eventually absolved by the Ten without penalty.
 139. For example, in May 1453 the members of the confraternity of the Misericordia were given permission “to undress and go to the festival [of San Bernardo] as they saw fit.” A.S.V., Dieci, *Miste*, Reg. 14, f.159r (1453).
 140. A thesis of Boswell’s book is that homosexuality had a wide range of acceptance in the Church up through the late Middle Ages. Boswell, *Homosexuality*, 243–66 and throughout.
 141. A.S.V., Dieci, *Miste*, Reg. 9, f.27r (1408).
 142. *Ibid.*, f.186r (1418). Interestingly, there is no record of the prosecution of Cocco or his son. Perhaps they escaped punishment by flight or their case was handled in Coron and Mothon.
 143. *Ibid.*, Reg. 11, f.74r (1433). The Ten also failed to agree on sentencing Nicolò to perpetual banishment with an open penalty if he should return. Presumably, this failure meant that Nicolò’s only penalty would come from his monastic superiors.
 144. *Ibid.*, Reg. 10, f.49r–v (1422).
 145. *Ibid.*
 146. *Ibid.*, f.87r–v (1426). Apparently the Ten felt somewhat constrained by his position, for they decided to petition the pope rather than banish Geronimo on their own authority as they did with many other churchmen. A proposal

- of banishment failed because of a hung vote: six for, four against and six abstentions.
147. *Ibid.*, Reg. 21, f.172v (1483). Presumably this implied sodomy, although the accusation is never made explicit. Otherwise, the case would have been handled by the Avogadori before the Forty or the Senate.
 148. *Ibid.*, Reg. 22, f.212v (1485).
 149. *Ibid.*, Reg. 10, f.51v (1422).
 150. *Ibid.*, f.55r-v (1422).
 151. Heresy and homosexuality may have been associated as underground attacks on "normal" society, but the lack of open association of the two regularly in prosecution provides little support for the contention.
 152. The only prosecutions reported for the case were for sodomy. See A.S.V., Dieci, *Miste*, Reg. 10, f.61r (1423) and f.84v (1425).
 153. A curious example of how confusing clerical cases could be even for the Ten is revealed by the case of Domenico Arimondo, a Venetian noble banned by the Ten for sodomy after he fled the city to avoid prosecution. Domenico, in an attempt to slip under the Ten's jurisdiction and return to Venice, became a cleric and moved back to the city. Unfortunately for his plan, the Ten had already passed legislation to deal with just such a ploy. But they had done so twice, and as might be expected, because the older law was forgotten, the newer one was contradictory. Thus, they had to vote on which law they would use against Domenico. Luckily for him they opted for the lesser penalty, requiring a year in jail and perpetual banishment rather than five years in jail and banishment. A.S.V., Dieci, *Miste*, Reg. 23, f.66v (1486).

CHAPTER 7

1. Archivio Patriarcale di Venezia, *Causa Matrimoniali*, vol. 4 (July 1476). Interestingly, there was some concern that the events described by this priest put him in mortal sin. This contention was rejected, however, on the grounds that the priest's actions were not carried out "for any evil ends." Once again, I would like to thank Alessandra Sambo for showing me this case.
2. A.S.V., Dieci, *Miste*, Reg. 10, f.74r-v (1424), for the *parte* that set up punishments for those of "minor etate" involved in sodomy. See Chapter 6 for a discussion of youth-related distinctions in prosecution.
3. These distinctions were more clearly drawn in the fifteenth century than in the fourteenth. Sexual innocence is not used here as a euphemism for virginity. Rather, it refers to the special status accorded children that presumed that they were uninterested in sexual matters and lived a life that was largely asexual. An ideal measure of the end of this age of innocence is the dividing point when a society no longer views the person as automatically a victim because of age.
4. A.S.V., Adv., *Raspe*, Reg. 3648, f.89r (1433).
5. *Ibid.*
6. In the period 1375-1475, for example, seventeen rape victims were adopted daughters; this means that a little over one case in ten involved such girls. This is not to argue, however, that this represents their actual level of victimization.
7. A.S.V., Adv., *Raspe*, Reg. 3647, f.96r-v (1420). As the culprit in this case was a

spice merchant, Bianca may have found herself a substantial husband. Another case that reveals similar hopes of finding a better position through adoption involved the rape of a young twelve-year-old daughter of a widow by the noble Giacomo Lion: "A certain procuress . . . one day went to the home of Agneta . . . knowing that she had an adolescent daughter of about twelve. She explained to Agneta that there was a certain noble widow who wished to have a young girl as a *filia animae*." To sweeten the offer, she also pointed out that the noble widow was rich and old; but *she* was Giacomo and the result was rape. Reg. 3650, f.167v-168r (1455). Marco Ferro notes the use of the term *figliuoli d'anima* for adopted children in the fifteenth century in Venice, but offers little information on the institution. Marco Ferro, *Dizionario del diritto comune e veneto*, 2d ed. (Venice, 1845), vol. 1, 48.

8. A.S.V., Adv., *Raspe*, Reg. 3644, f.160v (1391).
9. Ibid., Reg. 3652, f.47r (1466).
10. Ibid., Reg. 3642, f.181v (1351).
11. Charity helped a few others gain this status. For an interesting list of poor but deserving girls helped to enter convents (most were orphans who received 1 ducat), see A.S.V., Adv., *Miscellanea Civile*, Busta 186, fasc. 1 (no date). The list is titled "Quaderno grazie dotale per le novizie."
12. Sanuto, *Diarii*, 8, col. 414.
13. For another discussion of the placement function of prostitution, see the interesting article by Jacques Rossiaud, "Prostitution, Youth," 289-325.
14. A.S.V., Adv., *Raspe*, Reg. 3648, f.152r (1437).
15. Herlihy and Klapisch-Zuber, *Les Toscans*, 599-606.
16. Perhaps we should look for a Clytemnestra complex in this society rather than an Oedipal one.
17. For more on this, see Ruggiero, *Violence*, 40-53.
18. A.S.V., Adv., Reg. 3654, f.146v (1477).
19. Ibid. The Avogadori were called in, and eventually the Forty gave Francesco the opportunity to make good on his promise or spend a year in jail and contribute 100 ducats to Ursia's dowry.
20. A similar contrast was found between upper-class and peasant marriage patterns in sixteenth-century France by Beatrice Gottlieb, "The Meaning of Clandestine Marriage," 70, but see also 77, n. 31.
21. Romano, "S. Giacomo Dall'Orio," 265-71. Romano argues that in marrying noble daughters down the social scale, "the only explanation is that noble fathers hoped to gain economic advantage from these unions." His examples show well how that worked, but it seems likely such marriages also cemented ties of clientage and power even though political participation was largely denied to non-nobles. Also, it secured a placement for daughters who were unwilling to enter the convent, but one presumes at the price of a certain loss of family status. This complex area is worthy of further study; Romano's future work will, it is hoped, shed important light on the topic.

Bibliographic Essay

Works on the history of sexuality must draw on a very wide range of secondary literature in large part because there is so little written directly on the subject. To include in a formal bibliography all the relevant scholarship would require an inordinate amount of space and ultimately serve little purpose for the reader because the reason for including many works of real significance would not be readily apparent from their titles. As an admittedly imperfect compromise I have opted for a short bibliographic essay that summarizes the primary material used for this study and outlines some of the more important background literature for the history of sexuality. The formal bibliography that follows lists only the works actually cited in the notes of the book itself.

This study relies primarily on three runs of archival documents concerned with criminal activity: the *Raspe* registers of the Avogadori di Comun; the *Deliberazione Miste* of the Council of Ten; and the *Processi* of the Signori di Notte al Criminale. The respective competence and operating procedures of each council have been discussed briefly in the text and in detail in an earlier book, *Violence in Early Renaissance Venice* (New Brunswick, N.J., 1980), 1-53. Here, however, I would like to provide the reader with a more detailed description of the nature of these sources. The *Raspe* of the Avogadori begin in 1324 and run virtually without interruption through the end of the fifteenth century and beyond. As they were rebound in their present form recently and were probably rebound at least once earlier, "virtually" is a necessary qualifier for their completeness. There are occasional lacunae that suggest that in rebinding, some material may have been lost. These *Raspe* provide a summary in Latin of the cases prepared by the Avogadori and presented by them to the Council of Forty for trial; as a result much of the original detail of the cases is lost. But as noted earlier, the bias that has resulted can be most revealing for understanding the structures of values that governed the cutting down of these cases to their most significant elements. The archives of the Avogadori di Comun in the series *Miscellanea Penale* also include a significant number of the original scribal notes on testimony collected by the council. Normally in Latin, they occasionally drop into Venetian dialect or a

Latinized form of dialect, which provides a good taste of the detail deleted in the *Raspe*. Often the reportage is incomplete, including only one or two testimonies related to the case, but when complete they can comprise forty or fifty folios. Unfortunately for systematic research, these records have been reorganized in *buste* alphabetically by the name of criminal and victim. This means that unless one is looking for a specific case, one must go through the entire index case by case to find the records of a period or a certain type of crime. For this study, that was done for both period and type of crime. The case material gathered by the Avogadori was tried before the Council of Forty, whose records, if complete, would provide an important check on the inclusiveness of the Avogadori's *Raspe*. The *Parti* of the Forty, however, are even fragmentary for the limited periods they cover. Where they exist, they do duplicate fairly well the records of the Avogadori. They seldom add more detail and if anything are less inclusive.

The *Processi* of the Signori di Notte al Criminale are also summaries of earlier scribal notes, but they are quite a bit more detailed than those of the Avogadori. In part, this is because the crimes they dealt with, primarily murder, robbery, and homosexuality, involved much more serious penalties. Yet for each crime, the Signori seemed to have had a more elaborate vision of what was required to constitute a complete investigation. For murder it was necessary to develop the motivation and immediate antecedents that led to violence; for robbery the goods taken had to be carefully enumerated and evaluated; and for homosexuality the sexual history of the accused—virtually a case history—had to be compiled and all sexual contacts had to be examined. In addition, when necessary, outside expert testimony from doctors and others was regularly sought and recorded. These very interesting records are largely limited in our period to the second half of the fourteenth century, and even there they are fragmentary.

By the early fifteenth century the Council of Ten had taken over much of their responsibility, as discussed in detail in Chapter 6. Although the Ten appears to have been among the most aggressive councils in its investigation of crime, its records contained in the series *Deliberazione Miste* are by far the most laconic. Frequently they give no more information than the names, crime, vote on guilt, and punishment of those tried. But because the *Miste* contain the day-to-day business of the Ten as well as the action taken on specific cases, they allow one to follow the handling of cases, especially the more important or complex. The Ten's records are incomplete in the fourteenth century—Registers 1–4 are fragmentary; Register 7 is lost. In the fifteenth century when the Ten took a more active role in sex crime prosecution, the run of documents is complete in the *Deliberazione Miste* series, allowing again for some loss during rebinding. Unfortunately, there are regular references to cases being given to special committees whose outcome is never registered. This suggests that though relatively complete, the registers do not give a very accurate picture of the numbers prosecuted.

Lesser councils with criminal responsibility were also involved in dealing with sex crime. The Cinque alla Pace and the Capi di Sestiere seem from the records of both the Avogadori and the Dieci to have been given authority over less significant crimes in the second half of the fifteenth century, but their records for the period have not been preserved. The Signori di Notte al Criminale also were given some responsibility in the area at that time and in a fragmentary register (21) record a few penalties imposed for fornication and rape in the 1470s and 1480s.

Occasionally crimes of greater concern were upgraded to be tried before the major councils of state. The two most significant were the Major Council and the Senate. The former theoretically included the entire political class of Venice; the latter was a smaller body of the major leaders of the city. Criminal cases in our period are interspersed among their regular business: for the Major Council they are to be found in the virtually complete run of registers labeled *Deliberazione*; for the Senate there are three essentially complete runs of documents that must be consulted—the *Miste*, which exist from 1332, and the *Deliberazione Segrete* and the *Terra*, which begin in the fifteenth century. The cases reported in these registers are once again usually condensed summaries similar to those found in the records of the Avogadori. These Registers are also most important for the *parte* or, loosely speaking, the legislation passed that attempted to discipline sexuality in the city. *Parte* normally broke down into two parts: a preamble that rhetorically explained the reason action was necessary and a resolution that set out how the matter at hand was to be dealt with. The *Miste* of the Council of Ten also regularly contained such *parte*. In turn many of these *parte* were registered by the Avogadori di Comun, theoretically responsible for seeing that the relevant councils followed these rules, in a series labeled *Deliberazione di Maggior Consiglio*. Finally, ideally, each council concerned was required to register the *parte* relevant to their own operation in their own *Capitolare*. These handbooks of procedure were supposed to be consulted regularly and, at the least, to give a theoretical outline of how criminal matters were supposed to be handled. These are the primary archival sources used for this study. For additional detail the records of the Collegio—concerned with special cases or unique procedures requiring legal review; the Cassiere della Bolle Ducale—concerned with adjustments to criminal and civil cases; and the Quattro Ministeriali Stride e Chiamori—concerned with public announcements, were gone through systematically. For background on those prosecuted or victimized by crime, the wills preserved in the Archivio Notarile series and the records of the Procuratori di San Marco along with the Segretario alle Voci records (providing irregularly through the period complete lists of officeholders) have been consulted.

A logical place to seek further information on sex crime in Venice would be the ecclesiastical records of the city. Unfortunately, these are extremely fragmentary and seldom predate the sixteenth century. Significantly, however, there is considerable evidence that the Venetian government was unwilling to leave responsibility for sex crimes to Church courts. Moreover, as Chapters 5 and 6 reveal, even in major crimes such as fornication with nuns and homosexuality involving clerics and lay people, the Church did not seem aggressive enough for Venetian authorities, necessitating regular interference by Venetian councils. As a result the lack of extensive Church documentation, while unfortunate, does not unduly handicap. What records do exist provide some interesting and suggestive detail. The *Causarum Matrimonialium* of the Patriarchal Archives of Venice, while not containing criminal material per se, do contain much suggestive testimony on the sexual life of couples with marital problems. The records that once existed on the prosecution of nuns by the Church have been destroyed; those few dealing with the prosecution of clerics exist primarily for a later period—the series *Criminalium Presbyterorum* has only four registers and an index left for the period 1589–1799; *Criminalium Regulariorum* has five *buste* of material and a general index for the

period 1461–1749. An indication that additional material once existed is provided by an eighteenth-century transcription of cases attributed to Giannantonio Pivoto now at the Marciana Library, Mss. Lat. Cl. IX-74 (3289) vol. 3.

The literature of the history of sexuality is difficult to summarize primarily because so little of merit has been written directly on the subject. There is, however, no shortage of general works; but most are badly dated by the reticence required for publication in the pre-1960 era or limited by a “curiosity” approach that concentrates on celebrated figures, colorful moments, and the sensational. These limitations are compounded by the lack of historical sources, a problem discussed in the introduction to this book. Recently Michel Foucault, undaunted by these problems, has begun a broad synthetic study of the history of sexuality in the Western tradition. The first volume, *Histoire de la sexualité: La volonté de savoir* (Paris, 1976), translated by Robert Hurley as *The History of Sexuality* (New York, 1978), with a certain irony has helped to elevate the history of sexuality to a serious discipline and has been rather important for advancing the scholarly discourse on the subject. More typical of the older tradition is the long list of recent publications by Vern L. Bullough. In addition to his published bibliographies on homosexuality and prostitution and a number of general studies on the history of prostitution, attitudes toward women, and attitudes toward sexuality, his *Sexual Variance in Society and History* (New York, 1976) and *Sex, Society and History* (New York, 1976) provide a popular overview of the field.

Turning to the work for the premodern period, it becomes clear that much of the scholarship that applies to the history of sexuality has been done obliquely in other areas, frequently those that are most rapidly expanding and controversial. Family history, women’s history, history of crime and deviance, demographic history, history of *mentalités*, all regularly address questions of significance for the history of sexuality. More traditional areas such as legal history, intellectual history, and social history also have produced much of note. As a result, what might seem an area with a limited literature actually is one with extensive secondary material spread across a number of historical disciplines. To review each is beyond the purpose of this essay. Rather, I would like to outline some of the works that have been important for this book and, more significantly, that should be important for setting the tone of the developing field.

For Italy and the Renaissance one book stands out, David Herlihy and Christiane Klapisch-Zuber’s *Les Toscans et leurs familles: une étude du catasto de 1427* (Paris, 1978). Not specifically or even primarily a study of sexuality, in its close analysis of the demographic data provided by the Florentine *Catasto* records of the fifteenth century and in its attempt to flesh out the meaning of that data with a review of the literature, *ricordi*, and letters of the period, this massive work lays out most of the questions that research on the history of sexuality must face and manages to provide a number of well-conceived answers. Where hypotheses are more tentative, they are insightful and exciting. With such a base the field should move ahead rapidly. Herlihy and Klapisch-Zuber have also published individually a long list of articles that are crucial. Among the more important are Herlihy’s “The Making of the Medieval Family: Symmetry, Structure and Sentiment,” *Journal of Family History* 8 (1983): 116–30; “Some Social and Psychological Roots of Violence in the Tuscan Towns” in *Violence and Civil Disorder in Italian Cities, 1200–1500*, edited by Lauro Martines (Berkeley and Los Angeles, 1972),

129–54; “Vieillir à Florence au quattrocento,” *Annales, E.S.C.* 24 (1969): 1338–52; and for an earlier period, “Land, Family and Women in Continental Europe, 701–1200,” *Traditio* 18 (1962): 89–120; and Klapisch-Zuber’s “The Medieval Italian Mattinata,” *Journal of Family History* 5 (1980): 2–27; “Parenti, amici, vicini: Il territorio urbano d’una famiglia mercantile nel XV secolo,” *Quaderni Storici* 33 (1976): 953–82; and “L’enfance en Toscane au début du 15^e siècle,” *Annales de Demographic Historique* (1973): 99–122. Another scholar working on Italian Renaissance history whose publications frequently deal with the history of sexuality is Richard C. Trexler. His massive and difficult new book, *Public Life in Renaissance Florence* (New York, 1980), contains much useful material and perhaps an even greater number of challenging generalizations. Trexler has also written a number of significant articles relating to the topic; among the more important are “La prostitution florentine au XVe siècle: patronages et clientèles,” *Annales, E.S.C.* 36 (1981): 983–1015; “Infanticide in Florence: New Sources and First Results,” *History of Childhood Quarterly* 1 (1973): 259–84; and “Le Célibat à la fin du moyen âge: les religieuses de Florence,” *Annales, E.S.C.* 27 (1972): 1329–50.

A goodly number of other scholars work on Renaissance subjects related to the history of sexuality, but before surveying them briefly, there are a number of more general works that should be mentioned. Perhaps the most outstanding recent book on the pre-Renaissance period is John Boswell’s *Christianity, Social Tolerance and Homosexuality* (Chicago, 1980). More than a history of homosexuality, this study, by examining the broader issue of tolerance in medieval society in terms of sexuality, outlines a wide period in the history of sexuality and reviews an impressive range of literature. A second major work with a medieval focus, though it carries its analysis through the modern period, is John T. Noonan’s *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, Mass., 1966). Again, this book is more than a history of contraception; it is especially suggestive for its periodization of the Church’s attitudes on sexuality and the sources available for the topic. Both books, however, seem to have a broader agenda—in a way, they seem in the tradition of a medieval ideal that saw in the past the criteria for present-day reform, and each has a vision of how the past should instruct the present. Nonetheless, both authors are rigorous scholars who have not allowed these broader concerns to color their reading of the sources.

Another work crucial for the history of medieval sexuality though with a much narrower focus is Emmanuel Le Roy Ladurie’s *Montaillou: village occitan de 1294 à 1324* (Paris, 1978), translated by Barbara Bray as *Montaillou, Cathars and Catholics in a French Village* (New York, 1980). Although it has had its critics, this classic has opened the door to a more aggressive and imaginative use of inquisition and criminal records that is changing the face of social history in general and sexual history in particular. Less flamboyant, more traditional, and later in focus the work of Jean-Louis Flandrin is also most important. His *Familles: parenté, maison, sexualité dans l’ancienne société* (Paris, 1976), translated by Richard Southern as *Families in Former Times, Kinship, Household and Sexuality in Early Modern France* (Cambridge, England, 1979), has in many ways set the parameters for further research. Also significant is his *Les amours payannes, XVIe–XIXe siècles* (Paris, 1975). Flandrin has published a number of related articles including “Mariage tardif et vie sexuelle: Discussions et hypothèses

de recherche," *Annales, E.S.C.* 27 (1972): 1351-78; "Contraception, mariage et relations amoureuses dans l'occident chrétien," *Annales, E.S.C.* 24 (1969): 1370-90, translated by Patricia M. Ranum as "Contraception, Marriage and Sexual Relations in the Christian West" in *Biology of Man in History*, 23-47, edited by R. Forster and O. Ranum (Baltimore, 1975); and "Sentiments et civilisation: sondage au niveau des titres d'ouvrages," *Annales, E.S.C.* 20 (1965): 939-66. Also of note for the later period in France is the volume edited by Robert Wheaton and Tamara K. Haraven, *Family and Sexuality in French History* (Philadelphia, 1980), which is especially interesting because it gathers together a number of groundbreaking articles and provides a good introduction to the mushrooming area of French family studies. A suggestive work that is somewhat handicapped by its psychological approach is David Hunt's *Parents and Children in History: The Psychology of Life in Early Modern France* (New York, 1970).

Yet another work on French history significant for its use of criminal records in an attempt to analyze daily life is Jacques Rossiaud's article, "Prostitution, jeunesse et société dans les villes du Sud-Est au XVe siècle," *Annales, E.S.C.* 31 (1976): 289-325, translated by Elborg Forster as "Prostitution, Youth and Society in the Towns of Southeastern France in the Fifteenth Century" in *Deviants and the Abandoned in French Society*, 1-46, edited by R. Forster and O. Ranum. Rossiaud's "Fraternités de jeunesse et niveaux de culture dans les villes du Sud-Est à la fin du moyen-âge," *Cahiers d'Histoire* 21 (1976): 1-2, 67-102, although it has little per se on sexuality, should also be consulted for its information on youth problems in the period. For England in a later period, Geoffrey Robert Quaipe uses criminal records in a more quantitative manner in his *Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in Early Seventeenth Century England* (New Brunswick, N.J., 1979). Also interesting as an example of the use of criminal documents for social history is the work of Nicole Castan, *Les criminels de Languedoc, Les exigences d'ordre et les voix du ressentiment dans une société pré-révolutionnaire* (Toulouse, 1980). A book of essays on the period with a more literary flavor, edited by Douglas Radcliff-Umstead, is *Human Sexuality in the Middle Ages and Renaissance: University of Pittsburgh Publications on the Middle Ages and the Renaissance*, vol. 4 (Pittsburgh, 1978).

Moving to the later Early Modern period, the number of studies related closely to the history of sexuality increases virtually exponentially. Especially significant, however, have been the publications of Lawrence Stone, Natalie Davis, and Peter Laslett. Stone's *The Family, Sex and Marriage in England: 1500-1800* (New York, 1977), much like the work of Herlihy and Klapisch-Zuber, with its massive scholarship and impressive conceptual vision will set the parameters of much of the future debate. In addition its extensive notes and bibliography provide a fine introduction to the literature and to the possibilities for future research. Much the same may be said of Natalie Davis's scholarship even though she has largely limited her publication to a series of articles. A number of the more important are collected in *Society and Culture in Early Modern France: Eight Essays by Natalie Zemon Davis* (Stanford, Calif., 1965). Elegant and intricate gems of scholarship, three essays in the volume are especially interesting for the topics: "City Women and Religious Change," 65-96; "The Reasons of Misrule," 97-123; and "Women on 'Top,'" 124-51. Peter Laslett and his followers have provided much of the leadership in the use of demographic data for analyzing family structures and sexual practice. His book *The World We Have Lost* (London, 1971) and his edited

volumes *Household and Family in Past Times* (Cambridge, Mass., 1972) with Richard Wall, *Family Life and Illicit Love in Earlier Generations* (Cambridge, Mass., 1977), and *Bastardy and Its Comparative History* with Karla Costervén and Richard M. Smith (Cambridge, Mass., 1980) have served as models for the discipline.

Recently the areas of most active research on the Italian Renaissance that relate to the history of sexuality have been family history, women's history, and the history of crime and deviance. For family history after *Les Toscans et leurs familles*, the debate between Francis William Kent [*Household and Lineage in Renaissance Florence* (Princeton, N.J., 1977)] and Richard A. Goldthwaite [*Private Wealth in Renaissance Florence: A Study of Four Families* (Princeton, N.J., 1968)] has largely set the parameters of discussion. Neither work has much to say directly on the topic of sexuality, but as the family was seen in the Renaissance as the focus of legitimate sexuality, their conclusions are most important. Also groundbreaking is Diane Owen Hughes's work on Genoa [for example, "Urban Growth and Family Structure in Medieval Genoa," *Past and Present* 66 (1975): 3-23] and Stanley Chojnacki's on Venice [for example, "Dowries and Kinsmen in Early Renaissance Venice," *Journal of Interdisciplinary History* 4 (1975): 571-600]. A few other works of importance are Manlio Bellomo, *Problemi di diritto familiare nell'età dei comuni. Beni paterni e pars filii* (Milan, 1968) and *Profili della famiglia italiana nell'età dei comuni* (Catania, 1966); Enrico Besta, "Gli antichi use nuziali del Veneto e gli statuti di Chioggia," *Rivista Italiana per le Scienze Giuridiche* 26 (1898): 205-19; Bianca Betto, "Linee di politica matrimoniale nella nobiltà veneziana fino al XV secolo. Alcune note genealogiche e l'esempio della famiglia Mocenigo," *Archivio Storico Italiano* 139 (1981): 3-64; Margaret C. King, "Caldiera and the Barbaros on Marriage and the Family: Humanist Reflections on Venetian Realities," *Journal of Medieval and Renaissance Studies* 6 (1976): 19-50; Julius Kirshner and Anthony Molho, "The Dowry Fund and the Marriage Market in Early Quattrocento Florence," *Journal of Modern History* 50 (1978): 403-38; Susan Mosher Stuard, "Dowry Increase and Increments in Wealth in Medieval Ragusa," *Journal of Economic History* 41 (1981): 795-811.

Women's history for the period is, if anything, more complex and developing more rapidly than the history of the family. Joan Kelly-Gadol's work has done much to give the field focus, especially her seminal "Did Women Have a Renaissance?" reprinted in *Becoming Visible: Women in European History*, edited by Renate Bridenthal and Claudia Koonz, 139-64 (New York, 1977). An important brief survey has recently been provided by Ian Maclean, *The Renaissance Notion of Women: A Study in the Fortunes of Scholasticism and Medical Science in European Intellectual Life* (Cambridge, Mass., 1980). For the literature of the period on women, see Ruth Kelso's *Doctrine for the Lady of the Renaissance* (Urbana, 1956) and Conor Fahy's "Three Early Renaissance Treatises on Women," *Italian Studies* 2 (1951): 30-55. A few other relevant works are Bartolomeo Cecchetti, "La donna nel medioevo a Venezia," *Archivio Veneto* n.s. 31 (1886): 33-69, 305-45; Stanley Chojnacki, "Patrician Women in Early Renaissance Venice," *Studies in the Renaissance* 21 (1974): 176-203; Gaetano Cozzi, "La donna, l'amore e Tiziano" in *Tiziano e Venezia: Convegno Internazionale di Studi*, 47-63 (Venice, 1976); Erica Viviani Della Robbia, *Nei monasteri fiorentini* (Florence, 1946); Patricia H. Labalme, *Beyond Their Sex: Learned Women of the European Past* (New York, 1980); Giuseppe Marcotti, *Donne e monache, curiosità* (Florence,

1884); and Lauro Martines, "A Way of Looking at Women in Renaissance Florence," *Journal of Medieval and Renaissance Studies* 4 (1974): 15-28.

The history of crime and deviance also is growing rapidly. The field was given an important stimulus by the volume edited by Lauro Martines, *Violence and Civil Disorder in Italian Cities: 1200-1500* (Berkeley, Calif., and Los Angeles, 1972). Especially significant in that volume are the essays by Martines, Gene Brucker, and David Herlihy. My earlier book, *Violence in Early Renaissance Venice* (New Brunswick, N.J., 1980), along with articles such as "Sexual Criminality in the Early Renaissance: Venice 1338-1358," *Journal of Social History* 8 (1974-75): 18-37, and "Sessualità e sacrilegio," *Studi Storici* 22 (1981): 751-65, attempted to expand the use of criminal data for examining sexual values and practice. But there was already a strong tradition in the area; again, to name just a few of the more relevant studies: Stanley Chojnacki, "Crime, Punishment, and the Trecento Venetian State" in the Martines volume cited above; Samuel Kline Cohen, *The Laboring Classes in Renaissance Florence* (New York, 1980); Gaetano Cozzi, "Authority and the Law in Renaissance Venice" in *Renaissance Venice*, 293-345, edited by John R. Hale (London, 1973); and his edited volume *Stato, società e giustizia nella Repubblica Veneta (sec. 15-18)* (Rome, 1980); G. Batta de Lorenzi, ed., *Leggi e memorie venete sulla prostituzione* (Venice, 1870-72); Umberto Dorini, *Il diritto penale e la delinquenza in Firenze nel secolo XIV* (Lucca, 1923); Michael Goodich, "Sodomy in Medieval Secular Law," *Journal of Homosexuality* 1 (1976): 295-302; Mary Margaret Newett, "The Sumptuary Laws of Venice in the Fourteenth and Fifteenth Centuries" in *Historical Essays by Members of the Owens College Manchester*, 245-78, edited by T. F. Tout and James Tait (London, 1902); Elisabeth Pavan, "Police des mœurs, société et politique à Venise à la fin du Moyen Âge," *Revue Historique* 264 (1980): 244-66; Guido Ruggiero, "Excusable Murder: Insanity, Reason and Community in Renaissance Venice," *Journal of Social History* 16 (1982): 109-19, and "Law and Punishment in Early Renaissance Venice," *Journal of Criminal Law and Criminology* 69 (1978): 243-56; Giovanni Scarabello, "Devianza sessuale ed interventi di giustizia a Venezia nella prima metà del XVI secolo" in *Tiziano e Venezia, Convegno Internazionale di Studi*, 75-84 (Venice, 1976); and Giuseppe Tassinari, *Cenni storici e leggi circa il libertinaggio in Venezia* (Venice, 1968).

We have ranged widely in this essay, but in no area can it be said that we have even come close to exhausting the literature. Sexuality is so central to our existence and our past that its traces are to be found in the most diverse literature and documents. But rather than daunting historians, it is to be hoped that the ubiquity of the material related to human sexuality will convince a few to sin boldly and tackle the topic for the new understanding it will bring.

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Chancelleria Inferiore

Testamenti

Miscellanea Notai Diversi

Avogaria di Comun

Deliberazione di Maggior Consiglio: Reg. 20–25

Raspe: Reg. 3641–3658

Misc. Penale: Reg. 1–4, 9, 35, 47, 57, 74, 80, 89, 113, 169, 174, 186, 190, 193, 242, 258, 278, 326, 332–335, 345, 353, 356, 401, 415, 433, 447, 455, 487

Capitolare: Reg. 3

Cassiere della Bolle Ducale

Grazie del Maggior Consiglio: Reg. 3–18

Cinque Anziani alla Pace

Capitolare: Busta 1

Raspe: Busta 2

Collegio

Notatorio: Reg. 1–11

Consiglio dei Dieci

Deliberazione Miste: Reg. 1–6, 8–28, Filze 1–12

Liber Magnus

Miscellanea: Reg. 12A, 20

Notatorio dei Capi: Reg. 1–2

Rubrica: 2–4

Maggior Consiglio

Deliberazione: Reg. *Magnus et Capricornus*—*Stella*

Quarantia Criminale

Parti: Reg. 15–20, 69

Capitolare: Reg. 7, 8, 153

Quattro Ministeriali Stride e Chiamori

Miste: Reg. 1-43

Procuratori di San Marco

Testamenti

Segretario alle Voci

Miste: Reg. 1-4

Senato

Deliberazione Segrete: 1-32

Miste: Reg. 15-60

Terra: Reg. 1-13

Signore di Notte al Criminale

Banditi: Reg. 13-16

Capitolare: Reg. 3

Processi: Reg. 5-12, 21

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Index

- Abbess. *See specific convents; individual names*
- Abduction, 57, 72–73, 92, 96
- Abortion, 166
- Active/passive dialectic. *See Adolescence; Adultery; Sodomy; Women*
- Adolescence
- active/passive dialectic and masculinity, 118, 121, 149–50, 154, 158–59, 161–62, 186 *n.28*
 - and age distinctions, 149–50, 154, 158–59, 161–62, 170 *n.7*
 - and marriage customs, 13–14
 - and sodomy prosecution, 118, 121–25, 136–37, 139–40, 149–50, 160, 192 *nn.* 55, 66
- Adoption, 21–22, 30, 41, 71, 166. *See also* Orphans; Rape
- language of, 198 *n.7*
 - as servitude, 41, 100, 150–52
 - victimization of adopted children, 32, 41, 105–6, 150–52, 197–98 *n.7*
- Adultery, 3, 9–12, 23, 40, 45–69, 156, 166, 168
- affection and love in, 33, 49–51, 64–67, 69, 164–65
 - context of, 51, 53, 58–60, 69
 - illegitimate children, problem of, 55–59
 - language of, 25, 45–49, 73, 121, 177 *nn.* 13, 14, 16, 17
 - and marriage, 45, 48, 49–51, 56, 69, 164, 177 *nn.* 13, 14, 17
 - passive role of women reflected in language, 47–48, 121
 - and property, 46, 48–51, 53, 57–58, 69
 - prosecution of, 49–51, 53–55, 57, 68–69, 164, 178 *n.37*, 179 *n.23*
 - punishment of, 52–55, 63, 68–69, 177 *nn.* 16, 23; 178–79, *n.37*
 - and social hierarchy, 49–51, 56, 60–65
 - and violence, 49–51, 54–55, 57, 67–68, 181 *n.86*
 - women prosecuted and punished for, 53–55, 164, 178–79 *n.37*
- Affection
- illicit sexuality and, 34–35, 49–51, 64–67, 164–65
 - marriage and, 36, 51, 64–66, 69, 164–65, 167, 174 *n.55*, 180 *nn.* 74, 75
- Africa, 6
- Age distinctions. *See Adolescence; Boy (puer); Girl (puella); Law; Marriage; Old age; Sodomy*
- Agens. See Sodomy*
- Agnesina (wife of Bernardo, a builder), 66
- Agneta (concubine of Piero Bos), 150
- Agriculture, investment in, 105
- Albanese, Agneta, 48
- Albanese, Domenico, 57
- Albertini, Giacomo, 100
- Albertini, Maria (daughter of Giacomo), 100
- Alberto, Marino (son of deceased Giovanni), 193 *n.80*
- Alberto, Nicoletto, 45–46
- Alegreti, Marino, 121–22
- Aliusio a Turri, 33
- Aloysio a Pelegrino, 196 *n.138*
- Amizo, Andrea, 183 *n.27*
- Andrea (wife of carpenter), 44, 176 *n.1*
- Andriolo (artisan), 98
- Anechino, (*puer*), 192 *n.65*
- Anna, 153
- Anna (a German), 88

- Anselm, Saint, 22
 Antonia, 100-101
 Antonia (adopted daughter of a master craftsman), 71
 Antonia (daughter of Pasqualino), 22-23
 Antonia (wife of Giusto), 49
 Antonia di Roma, 150
 Antonio (boy), 116
 Antonio (former servant of Sant' Angelo), 79
 Antonio de Andrea, 195 *n.80*
 Antonio di Milano, 64-65
 Antonio di Udine, 49-51, 165
 Apostles, Church of, 71
 Apothecary shops. *See* Sodomy
 Aretino, Pietro, 3, 10
 Arimondo, Domenico, 197 *n.153*
 Arms, carrying illegally, 4
 Arpo, Endregeto, 59-60
 Assault, 19, 21, 38, 50-51, 57, 61, 96, 97, 117, 120, 125-26, 145, 159, 191 *n.39*
 Augustine, Saint, 23, 24
 Augustinian friars, 142-43
 Avogadori, 5, 72, 105-6, 169 *n.2*, 187-88 *n.50*, 191 *n.4*
 and adultery, language, 45-51, 60, 176 *n.7*, 177 *nn. 13, 14, 16*
 and adultery, penalties, 51-54, 57-58, 60-63, 67-69, 178-79 *n.37*
 and adultery, prosecution, 51-54, 57-58, 60-63, 67-69, 164, 177 *n.17*, 179 *n.43*, 198 *n.19*
 and fornication, language, 17-25, 42, 171 *nn. 5, 12*
 and fornication, penalties, 33-40, 42-44
 and fornication, prosecution, 25-26, 29-40, 42-44, 155, 158, 171 *n.5*, 173 *n.39*
 and rape, language, 89-93, 100, 102, 185 *n.3*, 187 *n.36*
 and rape, penalties, 92-108
 and rape, prosecution, 93-108, 151-53, 188 *n.52*
 and sex crimes against God, language, 71-76, 78, 85
 and sex crimes against God, penalties, 79-88
 and sex crimes against God, prosecution, 71-88, 183 *n.42*
 and sodomy, 123, 128, 133
 Bachelor, 14, 162. *See also* Adolescence; Marriage
 Badoer, Elisabetta (daughter of Giovanni), 36-37, 39, 43-44, 174 *n.57*
 Badoer, Giovanni, 36-37, 174 *n.57*
 Balastro, Constancia, 79
 Baldesario, Giovanni, 174 *n.57*
 Balduin, Leonardo, 73, 182 *n.13*
 Bandino di Venezia, 114-15
 Baradori, Pietro, 184 *n.56*
 Barbarigo, Filipa (nun at San Nicolai di Torcello), 80-81, 83, 84
 Barbaro, Alessandro, 44
 Barbaro, Francesco, 117
 Barbaro, Francesco (Venetian humanist), 174 *n.55*, 180 *n.75*
 Barbaro, Mafeo, 124
 Barbaro, Marco, 72
 Barber-Surgeons, 117-19, 138-39, 159-60
 Barberio, Giacomo, 130, 132, 194 *n.80*
 Barbeta, Francesco, 146
 Barbo, Andrea (son of Procurator Giovanni), 80
 Barbo, Marco (son of Procurator Giovanni), 80
 Barbo, Pietro (Pope Paul II), 105
 Bardi, Francesco di Bonacorso di, 139
 Bartolomea (adopted daughter of Santucci di Benedicto), 21-22
 Bartolomeo (Augustinian friar), 142-43
 Bartolomeo da Ziliolo, 67
 Bartolomeo di San Felice, 114-15, 190 *n.23*
 Basadona, Giovanni, 124
 Basilio (dyer), 37-38, 174 *n.59*
 Baxeio, Ruperto, 51, 53, 177 *n.28*
 Baxilia (servant of Giovanni Francesco Pegoloto), 120
 Bechi, Filippo, 194 *n.80*
 Beirut Fleet, 102-3
 Bella (servant of Giovanni Francesco Pegoloto), 120, 192 *n.52*
 Bellini, Jacobo, 105
 Bellomo, Manlio, 178 *n.31*
 Bembo (family), 63, 108
 Bembo, Blanca (wife of Pietro), 63
 Bembo, Francesco, 67-68
 Bembo, Pietro, 63, 180 *n.72*
 Bembo, Tomaso, 107-8
 Benato, Bartolomea, 64-65
 Benedetto, Lusio, 185 *n.5*
 Benedetto da Argos, 48
 Benedicto (herald, called Capello), 116-17, 191 *n.35*
 Benevuta (neighbor of Salomon), 86
 Benevuta dela Mota (adopted daughter of Paolo Contarini), 32
 Bernardino da Siena, Saint, 118-19
 Bernardo (builder), 66
 Bernardo (master builder), 33
 Bernardo dela Bella (son of Marco), 194 *n.80*
 Bertuccio dela Seda, 194 *n.80*
 Bessarion (cardinal), 105
 Betrothal. *See* Marriage
 Betta (wife of a worker), 98
 Bianca (adopted daughter of Francesco), 151, 198 *n.7*
 Bible, 109-10, 126. *See also* Old Testament

- Bigamy, 30-31, 178 *n.32*
 Biller, P. A., 175 *n.77*
 Birth control, 42, 118-21, 145, 165-66, 175-76 *n.77*, 191 *n.42*, 192 *n.47*
 Blanca (wife of Menegi), 116-17
 Blanco, Paolo, 104
 Blanco, Pietro, 80
 Blanshei, Sarah, 193 *n.77*
 Blasio, 31
 Blasio (candlemaker), 63-64
 Blasio di Firenze, 189 *n.5*
 Blasphemy, 113
 Boats, 101-2, 115-16
 Bobizo, Giovanni, 92
 Boccaccio, Giovanni, 3, 60, 103, 179 *n.55*
 Bolani, Giovanni (son of deceased Piero), 193 *n.80*
 Boldu, Victor (son of Giovanni), 194 *n.80*
 Bologna, 193 *n.77*
 Bomben, Carlo, 63
 Bomben, Carlo, 125, 193 *n.72*
 Boneto (bell ringer), 38-39
 Bono (family), 61-62
 Bono, Antonio, 191 *n.43*
 Bono, Bartolomeo, 21-23
 Bono, Facino, 100
 Bono, Giacomello, 17
 Bono, Marco, 78-79, 183 *n.27*
 Bono, Maria (wife of Roberto), 61-62
 Bono, Marina, 38, 174 *n.62*
 Bono, Zanina, 191 *n.43*
 Bonseblance, Alegrecia, 102-3
 Bonseblance, Concordantes, 102-3
 Bos, Piero, 150
 Boswell, John, 137, 188 *n.2*, 189 *n.8*, 190 *n.21*, 196 *n.140*
 Boundaries, sexual, 5, 9-12, 147-48, 168
 Boy (*puer*), 116-18, 121-25, 136-37, 139-40, 145, 148-52, 160, 192 *nn.* 55, 65, 66, 68; 193 *n.69*
 Braganza, 115-16
 Brenta, 101-2
 Bubola, Perina (daughter of Bartolomeo), 29
 Bucio, Stefano, 19
 Byzantium, 6

 Callimaco (lover in *La Mandragola*), 103
 Cambrai, War of the League of, 6
 Capello, Albano, 80
 Capello, Stefano, 193 *n.80*
 Capi di Sestiere, 4-5, 43, 93-95, 105, 106
 Carlo (miller), 71
 Carnival, 78
 Carrara *Signori*, 6
 Casanova, 51
 Castellani, Marco, 51, 53
 Castellani, Margarita (wife of Marco), 51, 53

 Castelleto, 41-42
 Castello, 46
 Castello, Bishop of, 82, 130-31, 194 *n.90*
 Castiglione, 3
 Cataruzia (wife of Nicolò), 54
 Catasto, Florentine, 4
 Catelano, Antonio, 150
 Caterina, 97
 Caterina (daughter of Aymerici), 98
 Caterina (servant in Sanuto household), 99
 Caterina (wife of Giacobello, stonecutter), 59-60
 Caterina (wife of Rafaelo), 178 *n.37*
 Caterina (young girl), 19
 Caterina di Zara (daughter of Elena), 104
 Cavatorta, Polisena, 81-82
 Cecchetti, Bartolomeo, 169 *n.2*
 Charivari, 54-55
 de Châtelet, Madame, 10
 Chelo de Podio, 195 *n.128*
 Cherubino da Siena, 179 *n.55*
 Childhood, 100, 148-52, 154. *See also* Adolescence; Boy (*puer*); Girl (*puella*); Law; Rape; Sodomy
 Chioggia, 30
 Chioggia, War of, 24, 99
 Chojnacki, Stanley, 170 *n.5*, 177 *n.24*, 178 *n.32*, 190 *n.26*
 Christ, 15, 72-74, 144
 Church. *See* Convents; Ecclesiastical jurisdiction; Nuns; Patriarch of Venice; Pope; *specific churches*; *individual names of clerics, nuns*
 Cinque alla Pace, 4-5, 43, 93-95
 Clara di Corfu, 119-20
 Clare, Saint, Order of, 142-43
 Clario, 177 *n.16*
 Clergy, 76, 85-86, 127, 129-33, 141-45, 183 *n.39*, 184 *n.56*, 197 *n.153*. *See also* Convents; Ecclesiastical jurisdiction; Nuns; Patriarch of Venice; Pope; *individual names of clerics*
 Cocco, Marino, 142, 196 *n.142*
 Coitus interruptus, 42, 165
 Columns of Justice, 42, 92, 111, 121
 Concubines, 41, 54, 153, 161, 164, 172-73 *n.34*, 175 *n.70*
 Condottieri, 7
 Condulmer, Pietro, 19, 21, 40
 Confraternities, 196 *n.137*
 Conradi, Antonio, 36
 Consent
 as marriage requirement, 26-33, 35-39, 44, 57, 100-101, 106, 153, 155-57, 172-73 *n.34*
 and prosecution of rape, 32, 102-3, 152
 Conspiracy, 5, 7
 Contarini (family), 39
 Contarini, Albano, 39

- Contarini, Andrea, 130-31
 Contarini, Andrea, 141
 Contarini, Angela (nun at Sant' Angelo), 84
 Contarini, Clario, 129-31, 133, 141-42, 193 n.80, 194 n.89
 Contarini, Domenico, 33-36, 39, 158-59, 173 n.48
 Contarini, Marino, 80
 Contarini, Nicoletto el Contarini, 45-46
 Contarini, Nicolò, 31
 Contarini, Nicolò, 61
 Contarini, Novella, 175 n.65
 Contarini, Paolo, 32
 Contarini, Pirano, 36-37, 39, 174 n.57
 Conte, Nicolò, 102-3
 Contraception. *See* Birth control; *Coitus interruptus*; Sodomy
 Convents, 56, 63, 71-84, 152, 163-64, 178 n.32, 182 nn. 13, 19, 20, 23; 183 nn. 26, 32; 184 nn. 44, 49; 198 n.11. *See also* Nuns; *specific convents*
 Coppo, Andrea, 115, 190 n.27
 Corner, Andrea (son of deceased Giorgio), 196 n.138
 Corner, Francesco, 194 n.92
 Coron and Mothon, 142, 196 n.142
 Corporal punishment. *See specific crimes*
 Courtesans. *See* Prostitution
 Courtly ideal, 3, 65, 77, 155, 157-58
 Courtship, 31-35, 62, 81-82, 88, 155-61
 Cozzi, Gaetano, 169 n.2, 193 n.79
 Crete, 31
 Crime
 prosecution of, 4-5, 12, 16, 23, 105-6, 169 n.2. *See also specific crimes*
 reasoned. *See* Intent
 reportage of, 12, 40, 104, 116-19, 133, 177 n.17
 Crime records, bias and strength of, 5-6
 Cristoforo (worker in draper's shop), 194 n.80
 Cristoforo di Cremona, 195-96 n.133
 Crown of Infamy, 88
 Culture of illicit sexuality, 10-14, 35, 39-41, 75, 80, 84, 90, 135-45, 147, 158, 161-62, 164, 167-68
 Culture of sexuality, marriage-based, 10-12. *See also* Marriage

 Damiano (carpenter), 104
 Da Molin, Geronimo (son of deceased Giacomo), 193 n.80
 Da Mosto (family), 117
 Da Mosto, Francesco, 44
 Dandolo, Andrea (doge), 96
 Dandolo, Cristina, 63
 Dandolo, Marco, 131
 Daniele, 30

 Dante, 3
 Da Pesaro, Fantino, 80
 Da Pesaro, Fantino, 85
 Da Pesaro, Giacomo, 81
 Dardanese, Zanino, 28
 Dati, Gregorio, 3, 13, 26-27, 167
 Davis, Natalie Zemon, 176 n.12
 De Buora, Liseta (nun at Sant' Angelo), 82-84, 183 n.42
 De Buora, Marco, 82-83
 Defamation, sexual, 36-39
 Della Fontana, Barbarella (abbess of San Nicolai di Torcello), 80-81
 Della Robbia, Enrica Viviani, 76-77
 Della Scala *signori*, 6
 De Molin (family), 59
 De Molin, Michele, 59, 179 n.56
 De Molin, Nicolò, 58-59, 179 n.56
 De Molin, Sordamor, 58-59
 De Molin, Timotio, 83
 De Rippa, Andrea, 193 n.80
 Derosas, Renzo, 188 n.50
 De Sade, Marquis, 10
 Devil worship, 196 n.134
 Diary, 3, 4, 16, 84, 113. *See also* Priuli Girolamo; Sanuto, Marin
 Discipline, 9-12, 29, 53, 65, 147-48, 169-70 n.3
 family, 7, 9-12, 18-19, 43-44, 54-55, 58-59, 61-63, 139-40
 government, 9-12, 18-19, 22-23, 43, 58, 90, 126-45, 147-48
 Doctors. *See* Physicians
 Doge, 113, 129. *See also individual names of doges*
 Dolfin, Enrico, 71
 Dolfin, Giacomello, 91, 185 n.7
 Dolfin, Michele, 19, 21
 Dolfin, Victor, 141
 Domenico (priest of the Church of Santa Sophia), 191 n.41
 Donato, Donato, 80
 Donozoli a Verexelo, 72-73
 Dorini, Umberto, 176 n.2, 177 n.23, 182 n.15, 186 nn. 21, 23; 192 n.55, 193 n.74
 Dorothea (wife of Menegello), 47
 Double standard, 51, 55-56, 60-61, 158-59
 Dowry, 3, 12-15, 25, 27, 29-31, 36, 39, 51, 99, 157, 164, 170 n.5, 178 nn. 32, 37; 182-83 n.23
 for convents, 76-78, 162-63, 198 n.19
 lost as penalty, 51, 54-55, 57, 63, 66, 68, 178 n.37
 paid as penalty, 29-31, 33, 35-36, 44, 58, 82, 100, 102, 105, 107, 149-51
 as future reward for adopted daughter, 41, 100
 Ducal Councillors, on Council of Ten, 129

- Ducal Palace, 111, 116-17
 Dymota di Spagna (wife of Giovanni), 116-17
- Ecclesiastical jurisdiction
 over clergy, 82, 85-86, 141-45. *See also*
 Nuns; Patriarch of Venice; Pope;
 Priests; *individual names of clerics*
 in determining marital status, 28, 57
- Elena di Zara, 104
 Emo, Benedicto, 125
 England, 64, 195 *n.114*
 Esecutori Contro la Bestemmia, 188 *n.50*
 Eugenius IV, Pope, 185 *n.61*
 Execution. *See specific crimes*
 Exposure of children, 166
- Falier(o), Beatrice (nun at Sant' Antonio), 73, 182 *n.13*
 Falier, Marin (doge), 182 *n.13*
 Fall of Man, 22
 Family, 9-15, 30-31, 45, 57-58, 66, 69, 109-10, 130-31, 133, 139-40, 158-59, 168
 honor of, 17-19, 21-22, 55, 90
 Fear, in sodomy prosecution, 110-14, 140-41
 Ferrara, 41, 133-34
 Ferro, Marco, 198 *n.7*
 Ferro, Zanetta (novice), 183 *n.27*
Filia animae. See Adoption
 Filippo, Checha, 54-55
 Filippo, Giovanni, 54-55
 Filippo di Vinzono, 17-18
 Fines. *See specific crimes*
 Flanders, 58-59, 101
 Flandrin, Jean-Louis, 26, 172 *nn. 29, 34; 190 n.26*
- Fleet, Venetian, 58, 111-12, 134, 189 *n.10*
 Florence, 4, 13-14, 26-27, 76-77, 105, 123, 170 *nn. 5, 7; 172 n.31, 176 n.2, 177 n.23, 182 nn. 15, 20; 186 nn. 21, 23; 192 n.55, 193 n.74*
 Florentines and sodomy in Venice, 137, 139, 194 *n.80, 195 n.128*
- Fondaco dei Tedeschi, 80
 Fornario, Aluisio, 177 *n.17*
 Fornication, 9-12, 16-44, 151, 154, 168, 172 *n.34, 176 n.78*
 between Christians and Jews, 71-72, 86-88, 185 *n.64*
 language of, 16-25, 73
 and marriage, 31, 35, 39, 42-44, 100, 154-55
 nuns and, 71-84, 109, 113, 182 *n.19, 183 nn. 26, 27, 32, 42; 184 nn. 44, 49*
 punishment of, 20-25, 29-31, 33, 35-44
 and social hierarchy, 33-37, 39-41
- Forty, Council of, 5, 17, 72, 88-89, 105-6, 117, 169 *n.2, 187-88 n.50*
 and adultery, language, 49
 and adultery, penalties, 52-58, 60-64, 66-69, 164, 177 *n.16, 178-79 nn. 37, 41; 198 n.19*
 and adultery, prosecution, 49, 52-58, 60-63, 67-69
 and fornication, language, 19-25
 and fornication, penalties, 33-40, 42-44
 and fornication, prosecution, 28-31, 33-40, 43-44, 155, 174 *nn. 50, 57*
 and rape, language, 89-90, 92
 and rape penalties, 92-108, 150-53, 185 *n.12, 186 n.21, 187 nn. 37, 38*
 and rape, prosecution, 93-108, 152-53
 and sex crimes against God, language, 71
 and sex crimes against God, penalties, 75, 81-82, 85-88
 and sex crimes against God, prosecution, 71-72, 74, 76, 81-82, 85-88, 184 *n.56*
 and sodomy, 123, 127, 133
- Foscari, Ermalao, 124
 Foscari, Zanino, 100-101, 187 *n.38*
 Foucault, Michel, 4, 9, 168, 169-70 *n.3*
 Foundlings and foundling homes (hospitals), 29, 40, 79, 166, 172 *n.31*
- Frami, Guidono, 17-18
 France, 157, 171 *n.4, 186 nn. 23, 28; 187 n.30, 198 n.13*
- Francesca, 98-99
 Francesca (la Veniciana), 101
 Francescina (wife of Giovanni), 184 *n.56*
 Francescina (wife of Giovanni da Rechanato), 48
 Francescina (wife of Venerio, a barrelmaker), 47
 Francescina da Monte, 177 *n.17*
 Franciscino (cobbler), 98
 Francesco di Francesco, 37-38
 Francesco di Malse, 58
 Francesco di Vanzoni, 25-26
 Franciganas, Giorgio, 107
 Francis, Saint, 53, 141
 Order of (Franciscans), 113, 141, 143-44, 196 *n.136*
- Friendship, 47-48, 60, 87, 98-100, 102-3, 107-8, 166
 Friuli, 184 *n.49, 187 n.30*
- Fromaco, Giacomello, 57-58
 Fromaco, Giovanna (wife of Giacomello), 57-58
- Furlan, Giovanni, 119
- Galdioso, Andrea, 47
 Games and gambling, 139-40, 195-96 *n.133. See also Play*
 Gasparo, 60

- Genoa, 6-7, 24, 96, 99, 105, 170 *n.7*,
189 *n.13*
 Georgio dela Scala, 83
 Germany, 6
 Geronimo (Augustinian friar), 142-43,
196-97 *n.146*
 Gerson, Jean, 190 *n.26*
 Giacobella, 41-42
 Giacobello (stonecutter), 59-60
 Giacomella (wife of clothworker), 71
 Giacomello, 98
 Giacomello di Bologna, 110-11, 115
 Giacomo, 27-28, 36
 Giacomo (scribe), 146-47
 Giacomo di Francesco, 142
 Giacomo of Adria (bishop), 143
 Giacopo, 79
 Gilbert, Arthur N., 191 *n.40*, 195 *n.114*
 Giorgio (Slav), 153
 Giorgio di Druasto, 119
 Giovanna (daughter of Benedetto), 101-2
 Giovanni (carpenter), 174 *n.57*
 Giovanni (painter), 49
 Giovanni (sailor), 87
 Giovanni (son of deceased boatman), 97
 Giovanni (used clothing vendor), 79
 Giovanni, Paolo, 195 *n.128*
 Giovanni da Rechanato, 48
 Giovanni di Bergamo, 195-96 *n.133*
 Giovanni di Spagna, 116
 Girl (*puella*), 37-38, 71, 82, 90, 95-96, 102,
148-52
 and fornication, 37-38, 82
 and rape, 31, 95-96, 100-102, 105, 107-8,
148-52, 187 *n.36*, 197 *n.3*, 197-98 *n.7*
 and rape, language, 90-93, 187 *n.36*
 and rape, punishment, 96, 148-49
 Gitinata di Malse, 58
 Giudicca, 73, 83
 Giudici, Nicolò, 104
 Giudici di Proprio, 67, 126-27, 129, 131
 Giusto, 49
 God
 and fornication and adultery, language
 of, 17, 21-24, 46-49, 84, 168, 176 *n.2*,
177 *n.16*, 182 *n.15*
 and sex crimes against God, language
 of, 48-49, 70-75, 84, 168, 177 *n.16*,
182 *n.15*
 wrath of, 105, 109-14, 126-29, 134-35,
143, 145, 189 *nn.* 6, 9, 10
 Gottlieb, Beatrice, 172 *n.21*
 Grain Office, 107
 Grand Canal, 92
 Gratia, 53, 62-63, 86, 132
 Gratiiosa (Greek), 33-35, 39, 158, 173 *nn.*
48, 49; 174 *n.50*
 Greca, Maria, 33-35
 Greco, Thomas, 53
 Gregorio, 192 *n.65*
 Grimaldi, Domenico, 67-68
 Grimani, Marco (son of deceased Nicolò),
122
 Grioni, Nicolò, 80
 Grioni, Pietro, 73
 Guilelmo di Vicenza, 54
 Heresy, 126, 143-44, 197 *n.151*
 Herlihy, David, 4, 27, 74, 165, 178 *n.32*
 Hermes Trismegistus, 70
 Holy Oil, 174 *n.51*
 Homosexuals. *See* Sodomy
 Honor, 17-19, 21, 38, 50, 55, 66-68, 89,
176 *n.2*
 in language of sex crimes, 17, 19, 21-22,
24, 43-44, 46-49, 70-75, 84, 90, 92,
168, 171 *nn.* 4, 12; 176 *nn.* 2, 7
 Hospitals. *See* Foundlings and foundling
homes (hospitals)
 Hughes, Diane Owen, 170 *n.7*
 Humanism, 3, 24, 70-72, 112, 137, 180 *n.75*
 Hungary, 6
 Illegitimacy, 29-30, 37, 40, 55-59, 161,
172 *nn.* 32, 33; 175 *n.65*
 Impotence, 114-17, 136, 146-47
 Incest, 42, 71-74, 90, 107, 144, 156, 188 *n.54*
 Insanity, 173 *n.46*
 Intent, evaluation of in criminal
 prosecution, 23-24, 28, 33-35, 43-44,
89-92, 96, 104, 111, 121
 Isabetta (wife of Pietro di Cremona), 97-98
 Islam, 157
 Istria, 42
 Jeste di Meir, 88
 Jews, relations with Christians, 71, 74, 86-
88, 185 *nn.* 61, 64, 66
 Josep (son of Cressoni), 185 *n.64*
 Kirshner, Julius, 170 *n.5*
 Klapisch-Zuber, Christiane, 4, 27
 Labalme, Patricia, 188 *n.1*, 189 *n.15*,
195 *n.125*
 Lando, Antonio, 175 *n.70*
 Lando, Marino, 81
 Language of sex crimes, 16-17, 112, 168,
171 *n.5*, 176 *n.7*. *See also specific*
crimes
 Law, 4-5, 16-17, 22, 45, 51, 54-55, 85-86,
95, 112, 139-40, 178 *nn.* 31, 37; 182 *nn.*
18, 19, 23; 186 *n.20*
 and fornication, 21, 40-41, 86-89,
172 *n.30*, 182 *nn.* 18, 19, 23
 and rape, 89-91, 93-95
 and sex crimes against God, 72-73, 75,
79, 86-88, 182 *nn.* 18, 19, 23

- and sodomy, 87, 109–12, 117–19, 123–24, 132–35
- Leo (Jew and doctor), 87
- Le Roy Ladurie, Emmanuel, 172 *n.*29, 180 *n.*74, 187 *n.*42
- Lesbians, 189–90 *n.*21
- Lieberman, Lazaro, 88
- Life cycle and sexuality, 148–68
- Life expectancy, 180 *n.*57
- Lion, Giacomo, 198 *n.*7
- Literature, as reflection of sexual mores, 3–5, 16
- Lombardino, Eufemia, 105–6
- Lombardino, Giovanni, 105–6
- Longo, Marco, 46–47
- Loredan, Francescino, 72
- Loredan, Sander, 193 *n.*80
- Lorenzo de Francesco (son of Giovanni), 194 *n.*80
- Lorenzo di Calabria (priest), 142
- Love, 3, 23, 33–36, 65–67, 69, 81–82, 90–91, 155–58, 174 *nn.* 51, 55; 180–81 *n.*75
- Luchesia (daughter of Bernardo, master builder), 33
- Lucia (wife of Pietro, cobbler), 46
- Lucia (wife of Teodoro di Corfu), 67
- Lucia di Roma, 150
- Lucrezia, 103
- Machiavelli, Nicolò, 3, 103
- Maclean, Ian, 176 *n.*10, 180 *n.*74
- Magdalena (prostitute), 146
- Magdalena (wife of Peregrino, master of grammar), 97–98
- Magdalena dalle Cappe, 98–99
- Magdalucia de Cha Veglia (nun at Sant' Angelo), 183 *n.*27
- Magic, 33–35, 39, 65, 158, 173 *nn.* 48, 49; 174 *n.*51
- Mainland empire, Venetian, 6, 8, 105, 186 *n.*20
- Major Council, 7–8, 40–41, 62–63, 72–73, 86, 129, 177 *n.*28, 180 *n.*68
- Malatesta, Jacopo, 189 *n.*15
- Malipiero, Benedetto, 78, 183 *nn.* 26, 27
- Malipiero, Marco, 78
- Malipiero, Pietro, 57–58
- Marcello, Andrea (son of deceased Piero), 193 *n.*80
- Marcello, Bianco (son of Vittorio), 193 *n.*80
- Marcello, Donato (son of deceased Bernardo), 193 *n.*80
- Marcello, Marcella, 106
- Marcello, Marco, 83
- Marcello, Vittorio, 83
- Marco, 98
- Marco (son of master mason), 193 *n.*69
- Marco dela Stava, 58
- Marcolina (wife of Vito), 85
- Margarita, 82
- Margarita (prostitute), 71
- Margarita (shoemaker's wife), 55
- Margarita (daughter of master bell ringer), 38–39
- Margarita (wife of Antonio, master candlemaker), 63–64
- Margarita (wife of Antonio di Udine), 49–51
- Maria (daughter of Alberto Francesco ab Auro), 25–26
- Maria (daughter of boatman), 31
- Maria (novice), 183 *n.*27
- Maria (prostitute), 146–47
- Maria (wife of Paolo, carpenter), 57
- Maria di Martino, 31
- Marieta (from Chioggia), 30
- Marieta di Verona, 119–20
- Marino (goldworker), 115
- Marino of San Gervasio, 170 *n.*8
- Marmagna, Nicoletto, 115–16
- Maronerti, Aloysio, 121–22
- Marriage
 - as accepted place for sexuality, 3, 9–15, 25–28, 36, 38, 66, 69, 146–47, 152, 156, 161–66, 168
 - and adultery, 45, 48, 49–51, 56, 69, 164, 177 *nn.* 13, 14, 17
 - affection in, 36, 51, 64–66, 69, 164–65, 167, 174 *n.*55, 180–81 *n.*75
 - and age distinctions, 12–14, 161, 180–81 *n.*75
 - and family policy, 12–13, 36–39, 156, 159, 162–64, 174 *nn.* 55, 57; 180–81 *n.*75
 - and fornication, 31, 35, 39, 42–44, 100, 154–55
 - length of, 14, 170 *n.*8, 180 *n.*57
 - promise of, 28–33, 35, 44, 81–82, 153, 155–57, 172–73 *n.*34, 173 *n.*39, 198 *n.*19
 - and rape, 98–99, 106, 151, 187 *n.*30
 - and remarriage, 167, 179 *n.*55
 - requirements for and uncertainty about, 12–13, 25–28, 30–31, 36–39, 57, 100–101, 153
 - and sodomy, 109–10, 118–21, 137–38, 140–41, 145, 165–66, 191 *n.*43
 - unmarried living together as if married, 30, 100–101, 153
- Marta (servant of Manilo Petri), 85
- Martin, John, 182 *n.*16
- Martino di Marostega, 91
- Mary, Virgin, 72, 173 *n.*48, 182 *n.*15
- Mascclarino, Caterina, 107–8
- Mascclarino, Giovanni, 107–8
- Masculinity, concept of, 154, 158–61
- Masio di Fano, 131, 194 *n.*95
- Masturbation, 114–15, 190 *n.*26
- Matteo di Bontegni (son of Simeone), 122
- Mauro, Antonio, 193 *n.*80

- Memo, Vito (bishop), 130-32
 Menega di Modon, 33-35
 Menegi, 116
 Menego, 46
 Menego, Marco, 22-23
 Mestre, 115, 173 *n.*39, 195 *n.*108
 Michael, Dario (son of Castellano), 193 *n.*80
 Michael, Lucca, 40
 Midwives, 191 *n.*39
 Milan, 41
 Minio, Giovanni, 80, 183 *n.*32
 Minio, Mafeo, 187 *n.*37
 Mirano, 37
 Mocenigo, Marco (son of Leonardo), 141
 Mocenigo, Pietro (doge), 41
 Molho, Anthony, 170 *n.*5
 Molmenti, Pompeo, 169 *n.*2
 Montailhou, 19, 187 *n.*42
 Moro, Raffaello, 183 *n.*27
 Morosini (family), 104, 195 *n.*108
 Morosini, Antonio, 133-34
 Morosini, Camila (nun at San Biasio Catoldo), 83-84
 Morosini, Lodovico (bishop), 184 *n.*56
 Morosini, Michele, 32
 Moscho, Domenica (wife of Giorgio), 65
 Moscho, Giorgio, 65
 Mozo, Caterina, 61
 Mozo, Marino, 60-61
 Mozzo, Francescino, 60
 Murder, 67, 91, 111, 126, 133-34, 181 *nn.* 84, 86; 192 *n.*54
 Myth of Venice, 24
- Nadal, Caterina, 30-31
 Nadal, Margarita, 30-31
 Napoleon, 145
 Natural child. *See* Illegitimacy
 Neighborhood, 59-60, 63, 86, 97, 108, 116-17, 150, 153, 166
 Newett, Mary Margaret, 170 *n.*5
 Nicoletto dale Bochole, 194 *n.*80
 Nicoli, Piero, 194 *n.*80
 Nicolina (niece of master craftsman), 17
 Nicolò, 146-47
 Nicolò (servant of Benedicto Emo), 125-26
 Nicolò de Vanni, 193-94 *n.*80
 Nicolò di Pistorio (Augustinian friar), 142, 196 *n.*143
 Nicolosia (daughter of tailor), 28-29
 Nigro, Egidio, 103-4
 Nobles. *See* Social hierarchy
 Noonan, John T., Jr., 191 *n.*42
 Normality, concept of, 5, 11-12, 146-48
 Novelli, Francesco, 98
 Novelli, Marina (wife of Francesco), 98
 Nudity, 53, 141, 196 *nn.* 136, 139
 Nuns, 71-84, 143, 156, 182 *nn.* 13, 19; 183 *nn.* 26, 27, 28, 32, 42. *See also* Convents; *individual names of nuns*
 Nye, Robert, 170 *n.*3
- Oedipal complex, 74, 198 *n.*16
 Old age, concept of, 85, 90, 93, 167-68
 Old Testament, 51, 109, 112
 Orphans, 39, 172 *n.*33, 198 *n.*11. *See also* Adoption
 Ovid, 157
- Padua, 61, 101, 136
 Padua, Bishop of, 132
 Paduano d'Oltranto, 121-22
 Paolo (carpenter), 57
 Papaciza, Francesco, 156, 198 *n.*19
 Pasqualegio, Marino, 61
 Passivity. *See* Adolescence; Adultery; Sodomy; Women
 Pastry shops, 139, 159-60
 Paternity, decisions on, 57-58
 Patriarch of Venice, 28, 36, 143, 147-48, 183 *n.*28, 184 *n.*56, 191 *n.*41
 Patriarchal values and perceptions, 17-18, 54-55, 74
 Pegoloto, Giovanni Francesco, 120
 Penalties. *See specific crimes*
 Peregrino (master of grammar), 97-98
 Perugia, 193 *n.*77
 Petri, Manilo, 85
 Physicians, 64-65, 86, 114-15, 117-19, 190 *n.*23, 191 *nn.* 39, 40
 Piaceri, Andrea, 60
 Picenino, Giovanni, 57
 Piero (barber), 194 *n.*80
 Piero de Bartolomeo, 194 *n.*80
 Pietà (hospital), 29, 40
 Pietro (boatman), 58
 Pietro (cobbler), 46
 Pietro (draper), 49-51
 Pietro di Ferrara, 110-11, 115
 Pietro from Albania, 153
 Pisani (family), 55-56
 Pisani, Alusio, 56, 179 *n.*40
 Pistoia, 178 *n.*32
 Pizolo, Pietro, 80
 Plague, 6-7, 54, 93, 96, 99, 105, 112-14, 135-36, 148, 164, 178 *n.*32, 193 *n.*78
 Plato, 157
 Plautus, 103
 Play, 34-35, 150. *See also* Games and gambling
 Polani, Maffeo, 97-98
 Polo, Marco (son of deceased Ottonelo), 193 *n.*80
 Pope, 29, 76, 83, 129-32, 142-44, 194 *n.*92, 196-97 *n.*146. *See also* Ecclesiastical jurisdiction; *individual names of popes*

- Popular culture, 24, 158
 Pornography, 10
 Portugal, 6
 Priests, 82, 85–86, 141–47, 197 *n.1*. *See also individual names of priests*
 Priors, 172 *n.30*, 177 *n.23*, 185 *n.66*, 191 *n.43*
 Priuli, Giacomo, 120
 Priuli, Giovanni Filippo, 124
 Priuli, Girolamo (diarist), 84, 184 *n.49*
 Procuratori di San Marco, 129
Promissione Malificorum. *See* Law
 Prosecution of crime. *See specific crimes*
 Prostitution, 9–11, 41–42, 54, 64–65, 71, 77, 81, 83, 86, 115, 118–21, 136, 146–47, 151, 161, 164, 170 *n.4*, 173 *n.39*, 175 *n.72*, 185 *n.64*
 as a form of placement, 15, 152–53, 155, 162–63, 170 *n.4*, 198 *n.13*
 Prunio (candlemaker), 63–64
- Querini (family), 61–62
 Querini, Tomaso, 61–62
- Raffano, Lucca, 79–80
 Ragusa, 170 *n.5*
- Rape
 context of, 31–33, 39–40, 60, 85, 87–88, 98–99, 101–4, 149, 152, 154, 156–58, 161, 186 *nn.* 21, 23; 187 *n.30*
 language of, 25, 88–93, 101, 106, 150–51, 185 *n.3*, 187 *n.36*
 prosecution of, 9–12, 32, 93–108, 125–26, 186 *nn.* 21, 23
 punishment of, 75, 86, 93–98, 148–49, 152, 182 *n.19*, 186 *nn.* 21, 23
 reportage of, 103–4, 107–8
 uncertainty about, 32, 102–4
 victims of, 31–32, 85, 95–96, 101–4, 107–8, 125–26, 148–52, 167, 186 *nn.* 21, 23; 187 *nn.* 30, 36; 197 *nn.* 3, 6, 7. *See also* Girl (*puella*)
- Rasonese (mother of Isabetta, wife of Pietro di Cremona), 97
 Recamator, Paolo, 194 *n.80*
 Redolfi, Francesco, 28–29
 Remarriage. *See* Marriage
 Rhetoric. *See* Language of sex crimes; *specific crimes*
 Rialto, 31, 38, 41, 86, 113, 136, 138, 185 *n.64*
 Rizo, Pietro, 41–42
 Robazio, Francescino, 54–55
 Robbery, 51, 53, 96–98, 126
 Roberto di Marchesio (sailor), 190 *n.31*
 Romano, Dennis, 198 *n.21*
 Ronchaia, Rolandino, 136
 Rossiaud, Jacques, 186 *n.28*, 187 *n.30*
- Rosso, Bartolomeo, 55
 Rosso, Giovanni (son of Marco), 195 *n.128*
 Rosso, Pietro, 132
 Rosso, Stefano, 130, 132, 194 *n.80*
 Rubea (slave of Michele Dolfin), 19, 21
 Rubea, Clara (nun at San Nicolai di Torcello), 80
 Russell, Jeffrey Burton, 196 *n.134*
- Saint Mark, 85. *See also* San Marco
 Salomon (Jew), 86
 Salomon (Jew, son of physician), 86
 Salvador, Bernardo, 123–24
 Salvador, Giacomo, 123–24, 192 *n.66*
 Sambo, Alessandra, 172 *n.26*, 197 *n.1*
 San Barnaba (church), 71, 74
 San Biasio Catoldo (convent), 78
 San Cassian, 86, 101, 106
 San Eufemie (convent), 78
 San Geremie, 99
 San Geronimo (abess of), 143
 San Geronimo (convent), 143
 San Giacopo (convent), 78
 San Lorenzo (convent), 78
 San Lucca (church), 38–39
 San Maffeo (abess of), 71
 San Maffeo (convent), 71
 San Marco, 31, 35, 92
 San Marco (campanile), 132
 San Marco (cathedral), 85, 113
 San Marco (school), 138
 San Martino (church), 139
 San Nicolai di Torcello (convent), 78, 80–81
 San Nicolò, 156
 San Nicolò (church), 38
 San Stefano (priest), 146–47, 197 *n.1*
 San Trinità, 98
 San Vito, 56
 San Zaccaria (convent), 81–82, 133
 Sant' Adriano (abess of), 73
 Sant' Adriano (convent), 72–73
 Sant' Agneta (church), 38
 Sant' Andrea (convent), 56
 Sant' Angelo, 142
 Sant' Angelo di Contorta (convent), 77–84
 Sant' Antonio (convent), 73
 Santa Caterina (church), 68
 Santa Croce, 35, 92
 Santa Croce (convent), 73, 83, 184 *n.44*
 Santa Maria Celestia (convent), 78
 Santa Maria di Valverde (confraternity), 141
 Santa Maria Mater Domini, 139
 Santa Maria Vergine (convent), 78
 Santa Maria Zobenigo (church), 141
 Santucci di Benedicto, 21–22
 Sanuto, Clara (nun and abess at Sant' Angelo), 78–80, 82, 84, 183 *nn.* 26, 32

- Sanuto, Filipa (nun at Sant' Angelo), 78-79, 183 *n.26*
- Sanuto, Lorenzo, 133
- Sanuto, Marin (diarist), 113, 152-53, 162, 175 *n.70*, 189 *n.15*, 195 *n.125*
- Sanuto, Zanino, 99
- Sapientes, 177 *n.28*, 180 *n.68*
- Saracen, 116-17
- Sarasa, Giovanni, 67
- Scarpa, Nicolò, 178 *n.37*
- Scarpazo, Giovanni, 35
- Schools, 87, 138-39, 159-60, 195 *n.125*
- Schulz, Juergen, 184 *n.56*
- Segretario alle Voci, 180 *n.68*
- Senate, 30-31, 37, 43-44, 87-88, 106, 129, 177 *n.28*, 180 *n.63*, 190 *n.23*
- Serrata, 6-7, 148
- Servants, 14-15, 40-41, 59, 63-64, 107-8, 115, 118-21, 150, 152-53, 161-62, 175 *n.66*
- Sex crimes against God
 language of, 70-75, 109
 prosecution of, 75-88, 168. *See also*
 Convents; Jews; Nuns; Priests; *specific convents; individual names of nuns and priests*
 punishment of, 75-79, 82
 theology of, 70-72, 74-75
- Signori di Notte, 4-5, 40-41, 43, 50, 67-68, 88, 95, 113-16, 118, 122, 125-37, 141, 176 *n.78*, 181 *n.84*
- Silvestra (daughter of deceased Bartolomeo di Lucca), 88, 185 *n.64*
- Simeone (barber), 122
- Simeone di Bonteguir, 122
- Simon, 114-15, 190 *n.26*
- Sin against nature. *See* Sodomy, language of
- Slaves, 19, 21, 40-41, 73, 86, 118-21, 175 *n.67*
- Slavs, 19
- Social hierarchy
 and marriage, 12-13, 152-55, 157, 158, 161-65, 198 *n.21*
 perceptions of, 6-9, 16, 19, 22, 24, 59, 104, 109-10, 113, 122, 158-59
 and prosecution of sex crimes, 33-37, 39-41, 49-51, 60-65, 79-80, 84, 92-93, 96-97, 99, 101, 104, 107-8, 127, 129-35, 142, 155, 159-60, 166, 183 *nn.* 31, 42; 185 *n.7*, 186 *n.23*, 192 *n.47*
 and sexual intercourse across social divisions, 33-37, 39-41, 62-64, 79-80, 84, 96-97, 99, 101, 104, 107-8, 158-59, 166, 174 *n.51*, 185 *n.7*
 and differing values at various levels, 11-12, 16, 18, 35, 61-63, 101-2, 148, 154-55, 157-58, 164-65
- Sodom and Gomorrah, 109-113, 130, 135, 140, 144
- Sodomy, 9-12, 109-45, 168, 182 *n.15*, 185 *n.66*, 195 *n.116*, 196 *nn.* 134, 135
 active/passive dialectic, 110-11, 114, 116-17, 121-25, 131, 145, 149, 192 *nn.* 55, 61, 65
 and age distinctions, 116, 118, 121-25, 139-40, 145, 160, 192 *nn.* 55, 65, 66, 68; 193 *n.69*
 anal intercourse, 114, 116-21, 145, 165-66, 191 *nn.* 35, 40, 41, 42; 192 *n.47*, 195 *n.114*, 196 *n.134*
 and apothecary shops, 138-39, 195 *n.127*
 bestiality, 114-15, 120, 145
 classic pattern of, 116, 118, 124, 139-40, 145
 and clerics, 86, 132, 141-45, 183 *n.39*, 197 *n.153*
 homosexual subculture, 135-45, 159-61, 166, 195 *nn.* 116, 125, 127, 128, 133; 196 *n.135*, 197 *n.151*
 intercourse between the thighs, 114-17, 190 *n.31*
 language of, 90, 109-14, 116, 140, 189 *n.8*, 189-90 *n.21*
 masturbation not prosecuted, 114-15, 190 *n.26*
 prosecution of, 5, 75, 109-10, 114, 123-24, 127, 129-33, 140-41, 189 *n.9*, 192 *nn.* 55, 66
 punishment of, 110, 112, 121-22, 124, 132, 137-38, 140-43, 173 *n.46*, 193 *n.77*
 and violence, 117, 120, 125-26, 145, 159, 191 *n.41*
- Soranzo (family), 55-56
- Soranzo, Alusio, 55-56
- Soranzo, Elena (wife of Alusio), 55-56
- Soranzo, Paolo, 80
- Sovero, Gerolamo, 120
- Speech, crimes of, 61, 187-88 *n.50*
- Spetiaro, Lodovico, 133-34
- Spim, Antonio, 33
- Sten, Marco, 185 *n.5*
- Stoics, 189 *n.8*
- Stone, Lawrence, 64, 180 *n.74*
- Stuard, Susan Mosher, 170 *n.5*
- Taddeo a Seta, 195 *n.127*
- Taddeo di Ferrara, 114-15
- Tartara, Lucia (slave of Lucca Michael), 40, 175 *n.67*
- Ten, Council of
 general, 5, 37, 119, 122, 188 *n.50*
 sodomy legislation of, 109-12, 117-19, 123-24, 133-35, 138-40, 197 *n.153*
 and sodomy prosecution, 112-14, 117-

- 19, 121-22, 125-36, 139-45, 149-51, 160, 165-66, 197 *n.*153
 Teodoro di Cortu, 67
 Testimony, 5, 32, 76, 194 *n.*95. *See also specific crimes*
 Thadea (courtesan), 83
 Theft. *See* Robbery
 Timeoto da Lucca, 113
 Tomaso (sailor), 190 *n.*31
 Tomaso da Monte, 177 *n.*17
 Tomaso di Friuli, 114-15, 190 *n.*23
 Torture, 87, 95, 110, 119, 125, 133-34, 136, 138, 179 *n.*43, 186 *n.*20, 193 *n.*72
 Trade, Venetian, 6-9, 47, 96, 105
 Treason, 5, 126, 175 *n.*70
 Trent, Council of, 26, 172 *n.*34
 Tressa, Ursia (nun at Santa Croce), 73, 184 *n.*44
 Trevisano, Nicolò, 107
 Triche, Beria (wife of Francesco), 46
 Triche, Francesco, 46
 Trivisano, Bartolomeo, 123
 Trivixan, Francescino (son of Antonio), 194 *n.*80
 Troubadour, 157
 Turks, 6, 41, 99, 105

 Ugolini, Gasparino, 61
 Ursia (daughter of fisherman), 156, 198 *n.*19
 Ursio, Zanino, 62-63

 Valentini, Francesco, 107
 Valentini, Marieta (daughter of Francesco), 107
 Valier, Andrea, 60-61
 Valier, Andrea, 78-79, 183 *nn.* 27, 28
 Valier, Giovanni, 81-83
 Valier, Valeria (nun at Sant' Angelo), 79, 82, 84
 Vasilio di Trebisano, 65
 Vendelino, Marino, 45-46
 Vendetta, 18, 21
 Vencerio (barrelmaker), 47
 Venier, Antonio, 184 *n.*44
 Venier, Antonio (doge), 99, 187 *n.*34
 Venier, Dardi, 123
 Venier, Pelegrino, 106, 188 *n.*52
 Ventura (daughter of Francesco di Stefano), 27-28, 36
 Vercellin, Pasqualino, 194 *n.*80
 Vercius, Pietro, 80
 Vianaro, Antonio, 73
 Vicenzio (painter from Padua), 101-2
 Vielmo from Siria, 85

 Vignati, Angelo, 66
 Village life, 18-19, 28-29
 Violence, in sexuality, 49-51, 54-55, 66-68, 101-2, 156. *See also* Rape; Sodomy
 Virginity, 17-18, 25-26, 31-32, 36-39, 42-44, 92, 98-99, 146, 150, 154-55, 174 *n.*62
 Viscia, Zanino, 98-99

 Widows, 14, 166-68
 Wills, 53, 55, 70, 166-67, 175 *n.*65
 Witchcraft, 34, 76, 140-41, 158, 196 *nn.* 134, 135
 Women
 and adultery, prosecution for, 53-55, 68
 and age distinctions, 14-15, 37-38, 82, 90-93, 95-96, 100, 102, 105, 107-8, 148-58, 170 *n.*7, 187 *n.*40
 as dominant figure in childhood, 154
 independence of, 51, 53, 62-63, 66, 69, 81, 163-64, 178 *n.*32, 180 *n.*70
 perception of, 14-15, 25-26, 32, 45, 51, 62-64, 85, 96, 101-2, 108, 118-21, 125-26, 162-63, 178 *n.*37, 186 *n.*21
 placement of, 25-26, 152-58, 161-63, 198 *n.*13
 sense of personal inviolability, 101-2, 108
 sexuality of, 25-26, 47-49, 64, 176 *nn.* 10, 12

 Zacharias (Jew), 71
 Zago, Pietro, 91
 Zanchani, Benedetto (brother of Clara), 39
 Zanchani, Bernardo (brother of Clara), 39
 Zanchani, Clara, 39
 Zanchani, Secondo, 193 *n.*80
 Zane, Carentano, 90-91, 185 *n.*5
 Zane, Catarucia (wife of Marco), 62-63
 Zane, Lucia, 80
 Zane, Marco, 62-63, 180 *n.*68
 Zane, Zanino, 193 *n.*80
 Zanina di Francesco (wife of Zanino), 103-4
 Zanino (servant of Dardi Venier), 123
 Zanino (candlemaker), 63-64
 Zanino a Sale, 83
 Zanino di Francesco, 103-4
 Zanze di Armenia, 114-15, 190 *n.*23
 Zaratino, Antonio, 58-59
 Zaratino, Giacomello, 31, 173 *n.*39
 Zen, Vallerio, 40
 Zen, Visa (nun at Sant' Adriano), 73
 Zonfo, Francesco, 57
 Zorzi, Geronimo, 30-31